

**RESPONSIVENESS SUMMARY
ATTACHMENT A
TRANSCRIPT OF PUBLIC HEARING
AUGUST 4, 2004**

UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY
BOSTON REGION

SHACK
13.4

In the Matter of:

PUBLIC HEARING:

RE: PROPOSED CLEANUP PLAN
SHPACK LANDFILL SUPERFUND SITE
NORTON/ATTLEBORO, MASSACHUSETTS

J.C. Solmonese School
315 West Main Street
Norton, Massachusetts

Wednesday
August 4, 2004

The above entitled matter came on for hearing,
pursuant to Notice at 7:10 p.m.

BEFORE:

SUSAN STUDLIEN, Director
Office of Site Remediation & Restoration
DAVE LEDERER, Project Manager
U.S. Environmental Protection Agency
Region 1, New England
Office of Site Remediation & Restoration
One Congress St., Suite 1100
Boston, MA 02114-2023

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P R O C E E D I N G S

(7:10 p.m.)

MS. STUDLIEN: Thanks to everybody for coming tonight.

My name is Susan Studlien. I'm the Director of the Environmental Protection Agency's New England Office of Site Remediation & Restoration, and I'm going to be the Hearing Officer for tonight's hearing on the proposed remedy for Shpack Landfill Superfund Site located on the Norton/Attleboro border.

The purpose of the hearing tonight is to accept formally oral comments on the proposed plan that was released to the public on June 23rd.

The protocol for these hearings is that we do not respond to comments tonight, but we will respond to them in writing after August 25th which is the close of the present comment period. The comment period was extended for 30 days in order to provide additional time for people to review the Feasibility Study and the proposed plan.

A public information meeting on the plan was held on June 23rd of this year, in this very room. At that meeting, information concerning the plan was presented and EPA responded to questions about the site.

I want to describe, just briefly, the format for the hearing. First, Dave Lederer, who is sitting to my

1 left, the EPA Project Manager for this site, is going to
2 give a very brief overview of the proposed Cleanup Plan for
3 the site, and I know that some of you have already seen
4 this. On the other hand, we are, we're concerned that some
5 of the people coming tonight may not have seen it. So,
6 we're, we're just going to do a brief overview.

7 Following the presentation, I will then accept
8 oral comments for the record, and those of you who want to
9 comment should have indicated your wish to do so by filling
10 out an index card available from Angela Bonarrigo, who is
11 waving her hand. If you haven't filled out a card and want
12 to make a comment, just see Angela.

13 I'm going to call on people who want to comment in
14 the order in which you signed up to speak. When you're
15 called on, if you could come to the front of the room and
16 sit at this table and use the microphones that are provided
17 and the microphones that are taped to the table are for our,
18 our stenographer.

19 I'm going to give you this microphone that I'm
20 holding here just for amplification purposes for this room;
21 so, the people sitting here can, can hear you well. The
22 reason I am bending over this microphone like this is that,
23 apparently, you have to come very close to putting it in
24 your mouth in order for it to work. So, if you can state
25 your name and address when you come and sit at the table,

1 and your affiliation, it would be appreciated.

2 We are recording these proceedings verbatim; so,
3 we need to get this information for the record, and, for
4 that reason, if you could, actually, spell your name and
5 give the full name of your affiliation, as opposed to, for
6 example, an acronym or a, or the letters, that would be
7 appreciated.

8 In order to, finally, in order to insure that
9 everybody has a chance to speak, I hope you will limit your
10 comments to ten minutes. If your comments will take longer
11 than ten minutes, I would ask that you could summarize your
12 major points and provide EPA with a copy of the full text of
13 your comments. The text, in its entirety, will become part
14 of the hearing's record.

15 After all the comments have been heard, I'll close
16 the formal hearing, and if you wish to submit written
17 comments, you can give them to me tonight, or you can mail
18 them to our Boston office at the address that's in the prop
19 -- in our proposed plan.

20 At the conclusion of the hearing, you can see any
21 of the EPA representatives if you have any questions on how
22 to submit comments. All of the oral comments that we get
23 tonight, and the written comments that we receive during the
24 comment period, will be addressed in a responsive summary
25 and become part of the administrative record for this site.

1 That will be included with the record of decision on the
2 remedy for the site.

3 Are there any questions?

4 (No verbal response.)

5 MS. STUDLIEN: Okay. We're going to start, then,
6 with our very brief overview of the plan.

7 MR. LEDERER: Thank you, Susan.

8 My name is Dave Lederer. I'm the Remedial Project
9 Manager for the Shpack Superfund Site, US/EPA.

10 I'm going to very, very quickly, and I mean
11 quickly, go through the main points in the proposed plan so
12 we have a starting point for people's testimony tonight.

13 This is a map of the layout of the site showing
14 its features. The site consists of approximately 9.4 acres,
15 about 3.4 acres are in Attleboro, and about six acres is in
16 Norton, and is actually owned by the Town of Norton.

17 The former Shpack residence is located here.
18 Power lines bisect the site thusly, and you, also, are
19 surrounded by Chartley Swamp on the south and -- I'm sorry.
20 On the east and the northeast, and by the Attleboro
21 landfill, of course, on the west.

22 This slide, basically, just summarizes that same
23 thing. ALI lies directly west of the site, about 110 feet
24 higher above grade, above the grade established by Shpack.

25 There are two holes and private wells within about

1 500 feet of the site fence, and the site, itself, is
2 relatively flat. It was formerly a wetlands area. There is
3 a small material wetland that remains.

4 So, under our proposed plan, we are taking the
5 following measures:

6 The public water line be extended to include the
7 two residences adjacent to the landfill that are currently
8 on private wells; approximately 10,500 cubic yards of soil
9 contaminated with the radiological contaminants of concern,
10 above cleanup levels, will be excavated and disposed of off
11 site, and, under our proposal, approximately 2,250 cubic
12 yards of dioxin and PCB contaminated sediment will be
13 excavated and disposed of off site.

14 Continuing along, contaminated sediments in the
15 wetland areas of the site will be consolidated to an upland
16 area on site, and the disturbed wetlands will be restored
17 and/or replicated to the extent practical.

18 The landfill will, then, be capped to prevent
19 exposure to contaminated waste. The site fenced to control
20 access and legal controls put in place to insure that the
21 revenue remains protected in the long-term. Groundwater, of
22 course, will be continued to be monitored and a cap
23 maintained in the long-term.

24 That's, basically, an outline of the proposal
25 before we take testimony. Now, I'll put the microphone

1 right up here.

2 (Pause.)

3 MR. LEDERER: So, whoever is speaking can just sit
4 right there in front of the mike.

5 MS. STUDLIEN: And you're welcomed to pick that
6 microphone up if it's easier for you as well.

7 Okay. We'll, now, begin the formal hearing, and
8 the first speaker is Congressman Barney Frank.

9 (Pause.)

10 MR. FRANK: Thank you. I appreciate the
11 willingness of the EPA to continue to engage, we, also,
12 continue to have disagreements, but I will say, our
13 involvement, my office and others, we have found the Federal
14 Agency, while we are not happy with the current plan, I do
15 want to acknowledge that it represents significant progress
16 from when we started, but we think the logic, which got us
17 from originally here is important.

18 I guess the point to focus on is, in the summary,
19 when you pointed out the plan to contain the contamination,
20 consolidate and contain the contamination -- and I think
21 that's clearly the nub of the disagreement. We believe the
22 purpose of this should be to get rid of the contamination
23 and not rearrange it.

24 Even though you do plan to rearrange it the way
25 that makes it somewhat less damaging, the thrust of the

1 Superfund Program, to us, is to cleanup, and leaving a town
2 in possession and perpetuity of contamination, even if it is
3 somewhat more conveniently arranged, is not what we think
4 should happen.

5 I want to acknowledge, again, that we've made some
6 progress, and we've been involved, you know, legislatively
7 and elsewhere.

8 The original proposal was to cap even the
9 radiological material, and thanks to the legislation that
10 Congressman McGovern I were able to get jointly, and the
11 progress we've made, we've gotten beyond that.

12 I, also, want to note that this has been a case
13 where the lead has been taken by the town, and I want to
14 acknowledge the Board of Selectmen in the town, Heather Graf
15 and the Advisory Committee. My office has learned a great
16 deal from them. They have, at every point when we have
17 consulted with them, been accurate in their information and
18 responsible, and that leads me now to enthusiastically
19 support the initial paper the town has put forward. I've
20 submitted my own letter.

21 The nub is this: we believe that there ought to
22 be a complete removal. We are talking, again, it is a
23 narrower financial difference than when we started. The
24 proposal that we are supporting will cost \$50 million or
25 perhaps a little more. The proposal that we are being given

1 here, which is removal of the radiological material and
2 containment of the contamination, would cost 30 million.

3 We should note 15 million of that comes from the
4 Core of Engineers, and that is out of the federal budget,
5 out of the program called FUSRAP, and the rest comes out of
6 Superfund, but it's legally the responsibility of the PRP,
7 which is, of course, a nice legal word for the people who
8 put it there in the first place and having put it there and
9 having made money putting it there, we think it is only fair
10 that they now pay the cost of removing it.

11 So, we are talking about a difference of \$25
12 million over a period of years, and we believe this is a
13 charge that ultimately should not, and we hope will not be
14 lodged against the federal government, but will go to the
15 responsible parties.

16 Asking the town to continue the perpetuity to have
17 contamination is, I think, a failure of those of us at the
18 federal level to meet our responsibilities to these citizens
19 who have worked so hard and are asking not for any great
20 boon here, but simply to be left as they otherwise would
21 have been before the contamination came here.

22 Now, the, the EPA correctly points out the, the
23 potential which the groundwater, and you talked about
24 monitoring to keep the groundwater clean. Well, what we are
25 saying to the town, if that's what the federal government

1 does, is we're going to leave here a potential danger to
2 groundwater, but don't worry; your federal government is
3 watching.

4 Now, I serve in the federal government. I'm not
5 one to engage in easy denigration of it, but I don't think
6 we will be reassuring the people here, the parents who are
7 worried about the long-term effects on their children of
8 drinking water, etcetera, if we say, "We acknowledge that
9 there is a problem here," because that's what we're saying
10 if we say that we're going to monitor the groundwater, we're
11 acknowledging that we are leaving in situ a potential
12 contamination. We think we've got it locked up. We think
13 we've got it detained. I'm not going to challenge your
14 engineering, but nobody can be sure of this. We're not
15 dealing here with an area where there is any certainty.

16 We know there is migration, and the very fact that
17 we expect to have to monitor it, and I would, also, add, as
18 we talk about the cost, there is sometimes a problem in the
19 way we budget, because a true comparison of cost would
20 factor in, not simply the removal costs if we leave the
21 contamination, but the monitoring costs, because we are
22 talking, then, about the federal government having an
23 ongoing responsibility. So, we believe this ought to be
24 done outright, and I should add that I'd be talking about my
25 responsibility, as a federal official, but I'm very pleased,

1 because not only have we worked here, my office and others,
2 with the town, but we've had very good multi-level,
3 bipartisan cooperation.

4 The legislative delegation, Senator Sprague is
5 here, Representative Travis and Representative Pourier. We
6 have worked very closely together on this, and we, I
7 believe, have come to an agreement, Representative Coppola
8 and all the legislators, in the area, and myself agree.

9 We don't think it is asking too much; indeed, we
10 think we would be failing our responsibilities to the people
11 of Norton if we did not clean this site up, and that's what
12 people expect of the Superfund, and cleaning it up means
13 cleaning it up.

14 In no other area of people's lives, you know, if
15 people's kids spill something at home, they don't tell the
16 kid, "Okay, here's what you do. You spilled that, and that
17 was too bad. Put it in a neat pile, and put something over
18 it."

19 In fact, let me say, we have a metaphor for not
20 doing a job. It's called, "Sweeping something under the
21 rug." In other word for "Sweeping something under the rug,"
22 is containment. When we have dirt and dust and you sweep it
23 under the rug, you've contained it.

24 Again, I don't mean to denigrate the goodwill. I
25 realize that are not individuals working purely in the

1 abstract. I will say that I regret the fact that the budget
2 for EPA is not greater than it was. I regret the fact that
3 we've got the tax on oil, which would have generated more
4 money. That's our job, to find the money, but I don't think
5 we can ask the citizens to Norton to bear that burden.

6 So, I ask that we follow the logic of the
7 radiological issue, and go forward and not just sweep the
8 contamination under the rug; albeit, it will be a thick rug,
9 and it will be an attractively landscaped rug, but we'd
10 still be sweeping it under the rug, and we would still run
11 the danger of the contamination of the groundwater, and I
12 believe it is entirely reasonable to ask that we do the
13 whole job and not part of it.

14 I thank you for your attention.

15 (Applause.)

16 MS. STUOLIEN: Thank you, Congressman.

17 Our next speaker is State Senator Joann Sprague.

18 MS. SPRAGUE: Thank you, so much, Hearing Officer
19 Studlien and Mr. Lederer, and I want to thank you, first of
20 all, for the privilege of letting me speak to this issue,
21 which is of great importance to my constituents from Norton
22 and from Attleboro who are here tonight.

23 I am State Senator Joann Sprague, and I represent
24 the people of the Bristol/Norfolk District, and I'd like to
25 have my letter to Mr. Lederer entered in the record if I

1 could, please.

2 Dear Mr. Lederer, I'm writing on behalf of my
3 constituents and the Town of Norton, to strongly support the
4 Town's choice of SC-3B as the best cleanup alternative for
5 the Shpack Superfund Site.

6 I am steadfast in my opposition to the EPA's
7 choice of SC-2B as the best cleanup alternative.

8 My constituents and I demand that the old Shpack
9 dump property be returned to a safe enough condition that it
10 can be used for passive recreation within the Norton
11 Conservation Commission's Open-Space Plan. This use
12 conforms to our understanding of what the town's use has
13 meant during meetings between the ad hoc Shpack Committee,
14 the Army Corps of Engineers and the United States
15 Environmental Protection Agency.

16 The EPA Alternative, SC-2B, will remove only some
17 elements of the waste and contain the remaining contaminant
18 under a cap. We know that caps deteriorate, which could
19 reinitiate the pollution cycle.

20 Also, SC-2B would not allow my constituents the
21 kind of use they have been led to expect. The requirement
22 of fencing and a "No Trespassing" sign is evidence that
23 SC-2B would not be a full-fledged cleanup; therefore, the
24 Town and its citizens would be left to bear the burden of
25 fighting future contamination and policing the problem at

1 the site.

2 The EPA's decision in this case should not be
3 based on what the remediation costs, but on what is the best
4 long-term interest for Massachusetts' citizens. All of whom
5 who are taxpayers with a vested interest in a clean
6 environment for families or friends and our neighbors.

7 Through the years, Madam Hearing Officer, my
8 Norton constituents have paid millions of dollars of their
9 hard-earned money in taxes to the state and federal
10 government, and this way, the town's people, for years, have
11 paid for government actions that benefit, not only
12 themselves, but actions that provide, also, for the common
13 good for citizens throughout this great country.

14 It is now time, Madam Hearing Officer, for the EPA
15 to stand tall and acknowledge that the common good requires
16 a permanent and proper cleanup of environmentally unsafe
17 waste.

18 There is no better use for our citizen's tax
19 dollars than to provide for the environmental safety of the
20 citizens residing in this area now, for the generations to
21 follow, both of which will ultimately be of benefit not only
22 to this region but to all the citizens of our great country.

23 Mr. Lederer, my constituents, their local
24 officials and I, along with other state and other officials,
25 demand the government do the right thing for the

1 environmental safety of us and future generations by
2 adopting Choice SC-3B for the cleanup of the Shpack
3 Superfund Site.

4 We will be proud to stand by you in this action,
5 and, in doing so, we will be proud to say, "We won one for
6 the environmental protection of our land and people."

7 Thank you, so much, again, for letting me
8 represent my constituents at this hearing.

9 (Applause.)

10 MS. STUDLIEN: Thank you, Senator.

11 (Applause.)

12 MS. STUDLIEN: Our next speaker is Representative
13 Philip Travis.

14 MR. TRAVIS: Thank you, Madam Director of the EPA.

15 For the record, my name is State Representative
16 Philip Travis, T-R-A-V-I-S. I represent the Fourth Bristol
17 District of the Commonwealth of Massachusetts, in the House
18 of Representatives, Swansea, Seekonk, Rehoboth and the
19 Precinct in Norton, Precinct One is where this landfill is
20 located. It is in my district.

21 I want to join along with Congressman Barney
22 Frank; Senator JoAnn Sprague, my Senator; Betty Pourier, the
23 Representative, who, also, shares Norton with me; Michael
24 Coppola is to be here this evening, and myself, State
25 Representative Philip Travis, in saying, unequivocally, we

1 do not go along with the citing as CS-2b as has been picked
2 by the EPA to cleanup my site.

3 The people of Norton are owed much more.
4 Contamination, in the form of radiation, going down 15 feet
5 or more, had been put there during the 50's and 60's by
6 making nuclear reactors for submarines. In it's time, it
7 was necessary to protect our United States, but the waste
8 that came from that work is now sitting in the soil, and we
9 have a terrorist located in Norton in the form of this
10 Shpack site. It can contaminate and do harm to the people
11 of not only the Chartley Section, which I represent, but the
12 entire area of Attleboro, and that section of Norton.

13 To remove partially and leave the rest, is a job,
14 as was said by the Congressman, which is less than half
15 finished. It makes no sense, in dollars, a \$20 million
16 differential, not to go in and remove the entire site and
17 bring it back so it can be used by the people of the Town of
18 Norton for whatever purpose they decide, recreation or
19 otherwise.

20 Attleboro has a land site further to the west.
21 They will be tapping that site to Massachusetts Department
22 of Environmental Protection. They will be putting a cap on
23 it, and they will be having trucks come in with materials
24 from the south shore of Massachusetts to cap it and leave
25 this town with those same tractor trailers empty and going

1 back to a place that is 50 miles away from here.

2 How, in God's heaven, cannot we coordinator
3 between a federal agency and a state agency? I know neither
4 are intertwined in this issue, but Attleboro is working with
5 EPA and the DEP, and we're working with you folks at the
6 federal level.

7 The tractor trailer trucks will leave this
8 community empty and go all the way down Route 123 and head
9 back towards the Boston area to, in an empty form.

10 If we could utilize that and coordinate that
11 activity to save money, you would have trucks coming in with
12 fill from Attleboro dumping, coming through Norton to go
13 back, and with material that is needed to be removed from my
14 district to make it a cleaner and safer cleanup.

15 So, uranium and other things that are in the soil
16 are not left to be, hopefully, not dissipate normally and
17 not get into the water table and do more harm. It will do
18 harm to the people of Norton, I'm sure, in the long haul;
19 perhaps not today, maybe not next year, and maybe not 10
20 years from now, but I cannot serve in office and represent
21 the people in that district and say, "I did my best, but I'm
22 going with the lessor plan."

23 I go, as strongly as possible, to say to all of
24 you that the plan you've accepted is not acceptable to me or
25 my constituents, and I ask that you reconsider your

1 alternative and go with SC-2B, which is the plan that is
2 backed by the Ad Hoc Committee, appointed by the Board of
3 Selectmen, and which we have worked with, as well as Barney,
4 and my fellow colleagues at the State House, to have that
5 plan implemented.

6 Thank you, very much, and our letter has been
7 filed with you, but it will be read officially, in a few
8 minutes, by my colleague, Betty Pourier, of North Attleboro.

9 Thank you, very much, Ma'am.

10 (Applause.)

11 MS. STUDLIEN: Thank you, Representative Travis.

12 (Applause.)

13 MS. STUDLIEN: Thank you.

14 Our next speaker is State Representative Betty
15 Pourier.

16 MS. POURIER: Thank you, very much.

17 I would like to add my gratitude for having the
18 opportunity to speak tonight at this Public Hearing. This
19 is my second Public Hearing as I've only represented Norton
20 for one term, but I, certainly, had to do a quick study on
21 what this site means to the community of Norton and all of
22 the people that have lived with it for many, many decades.

23 Before I read, read my letter into the record, I
24 would just like to make a few comments aside from that.

25 One of the things that disturbs me greatly is that

1 the EPA proposed plan does not provide a permanent solution
2 to this problem. It leaves it here for generations in the
3 future to concern themselves with and worry about. Perhaps
4 making it the responsibility, not only of the Town of
5 Norton, but of the Commonwealth of Massachusetts, and, as a
6 State Official, I would like, very much, to see that taken
7 care of this time out, and not to have to address this at
8 some unforeseen time in the future when it may pose, again,
9 a problem.

10 This is not a cleanup of a contaminated area, but
11 this is a coverup, and, as Congressman Frank, so aptly
12 stated, this is a rug where contaminants have been swept
13 under, and, now, we're putting a fence around it, and we're
14 not going to allow anyone to walk on the rug, which brings
15 me to my third point.

16 This is not at all what the community of Norton
17 has requested. They would like to be able to use that
18 property for recreational purposes, in combination with
19 their Open-Space Plan, and this solution -- this SC-2B --
20 does not allow the community to be able to do that.

21 So, it, in noway, addresses the concerns that they
22 mainly have, and that is eliminating the contamination, not
23 covering it. Eliminating the responsibility for the Town of
24 Norton, as well as for the Commonwealth of Massachusetts,
25 and, also, being able to use that property for productive

1 use and not fencing it off and keeping people away from the
2 site.

3 Now, if you will permit me, I would like to read a
4 letter that was submitted by myself, State Representative
5 Betty Pourier -- I'm from the 14th Bristol District and
6 represent all of North Attleboro, one precinct in Attleboro,
7 one precinct in Norton, and two precincts in Mansfield, and
8 it is, also, from my colleague, State Representative Michael
9 Coppolla, who represents two precincts here in Norton, and
10 Philip Travis, who has the Shpack site right in his own
11 precinct. The letter reads: Mr. David Lederer -- it's to
12 Mr. Lederer, regarding the Shpack Landfill Superfund Site,
13 Norton, Mass.

14 "Dear Mr. Lederer. We write in response to the US
15 Environmental Protection Agency's proposal to cleanup the
16 contamination of the Shpack Landfill Superfund Site in the
17 Town of Norton. After reading information about the various
18 cleanup alternatives, as well as attending Public Meetings
19 on this issue, we strongly oppose the EPA's proposal known
20 as Option SC-2B, at an estimated cost of \$30 million.

21 "We believe that SC-3B is the better, more
22 permanent solution to rid the landfill and the surrounding
23 residential area of hazardous pollutants at an estimated
24 cost of 55 million.

25 "To spend 30 million on a partial cleanup is money

1 poorly spent and requires long-term monitoring and perpetual
2 restriction on access; however, Option SC-3B is a complete
3 cleanup of contaminants, and a total and permanent
4 restoration of the former landfill requiring minimal
5 monitoring and no access restrictions.

6 "The wishes of the Town of Norton, for the future
7 use of the property for passive recreation have been totally
8 ignored. An additional issue of great concern is the
9 possibility, at sometime in the future, that the Town of
10 Norton and the Commonwealth of Massachusetts could be held
11 responsible for the operation, the monitoring and the
12 maintenance of the site. The possibility of these costs at
13 some point in the future would far surpass the SC-3B option.

14 "Opposition, as legislators for the Town of
15 Norton, is clear. We stand united with the Citizens
16 Advisory Shpack Team in our opposition to EPA's preferred
17 Alternative, SC-2B.

18 "We truly hope that you will take the concerns of
19 the Town and its residents into consideration and choose
20 Option SC-3B as the preferred Cleanup Plan for this landfill
21 Superfund site.

22 "Thank you for your attention to this matter," and
23 it's signed, "Sincerely, Michael Coppola, State
24 Representative; Elizabeth Pourier, State Representative; and
25 Philip Travis, State Representative."

1 I very much appreciate the opportunity to be able
2 to present this to you. Thank you.

3 MS. STUDLIEN: Thank you, Representative.

4 (Applause.)

5 MS. STUDLIEN: Thank you.

6 Our next speaker is Jennifer Carling (sic).

7 MR. LEDERER: Carlino.

8 MS. STUDLIEN: What?

9 MR. LEDERER: It's Carlino.

10 MS. STUDLIEN: Oh, Sorry. Carlino. Excuse me.

11 I'm sorry.

12 MS. CARLINO: It's all right.

13 (Pause.)

14 MS. CARLINO: I'm Jennifer Carlino. I'm Norton's
15 Conservation Agent, and I would like to speak in support of
16 Option SC-3B. This option will allow the town to actually
17 use the property once the cleanup has been concluded. It
18 improves the wildlife habitat value of the property, would
19 not require a taking of the spotted turtle habitat and allow
20 replication of the wetlands on site.

21 I'm, actually, fairly disappointed with the lack
22 of information on the six vernal pools that are on the
23 property and the rare species. There are about two
24 sentences in the report.

25 MR. FRANK: This should help.

1 MS. CARLINO: All right. Thanks. Sorry.

2 So, I would like to request that the record of
3 decision require that the wetland replication, the wetland
4 replication should improve vernal pool habitat, include rare
5 species habitat, should provide detailed plans and
6 narratives for the Conservation Commission to review;
7 including the soil types, the number, the size and the
8 specific plants that will be used in the wetland replication
9 and restoration; include a five year wetland monitoring
10 program.

11 The record of decision should, also, require that
12 the vernal pools and rare species habitat be investigated,
13 and that all of the vernal pool documentation and the rare
14 species incident forms should be filled out as requested by
15 the Mass. Natural Heritage & Endangered Species Program in
16 their letter of July 30th, 2004.

17 The record of decision should, also, require
18 transportation and Emergency Spill Plan; so, that, if there
19 is a spill anywhere on route, there is some sort of
20 Contingency Plan for cleaning up those materials. They're
21 right next to Chartley Swamp. They have to get over that
22 railroad embankment. They're right next to Chartley Pond,
23 and the dam that we have just repaired.

24 So, there should certainly be some type of
25 requirement for a Contingency Plan and the Conservation

1 Commission would like to review that and comment as well.

2 The Wetland Replication Plan should, also, include
3 options for dewatering. The Conservation Commission should
4 be able to review those options and provide comments.

5 Also, like to see the detailed plans for the
6 extension of the water line right next to Chartley Swamp,
7 Chartley Pond, and provide comments on those.

8 The Conservation Commission should, also, be able
9 to review the deed restriction language and provide comments
10 on that.

11 We do have a couple of concerns about the cap.
12 The cap, the reports document that the cap will limit
13 infiltration. It will not stop it. We've seen information
14 that the Attleboro landfill cap is leaking onto the Shpack
15 site. The new cap, proposed cap for the Shpack site would
16 be susceptible, still, to ALI contamination. We, certainly,
17 don't want the newly replicated wetlands to be filled with
18 more contaminants.

19 There is, also, a pretty serious question about
20 who is responsible for the operation and maintenance and for
21 the funding if you chose to go that way. We're still in
22 full support of Option SC-3B.

23 The information that we have reviewed is not
24 detailed enough on the operation and maintenance, and is
25 that the same type of operation and maintenance that the

1 Attleboro landfill has been using and what assurance would
2 Norton have that the Shpack operation and Maintenance Plan
3 would be better implemented than ALI's?

4 Thank you.

5 MS. STUDLIEN: Thank you, very much.

6 (Applause.)

7 MS. STUDLIEN: Oh, I'm sorry. Representative --
8 thank you.

9 State Representative Michael Coppola?

10 MR. COPPOLA: I'm sorry for being late.

11 MS. STUDLIEN: No problem.

12 MR. COPPOLA: I feel guilty. I walk in, and I get
13 to speak. All these people have been sitting all this time.

14 I, I did want to have an opportunity to express to
15 you what Representative Pourier has said in our letter, and
16 without being repetitive, I, I'd like to, certainly, bring
17 the high points, what I think the high points of our letter
18 is and of our concern.

19 As you know, the EPA's proposal is, is just a
20 containment of the contamination, and it does nothing, as
21 far as access those, as far as future use, for the area
22 goes, and there is, certainly, some question on whether we
23 really have taken care of the problem of contamination and
24 the, the effects of it for generations to come, and that's
25 what we're talking here.

1 We're not just talking for now. We're talking for
2 generations to come, and, as you know, when it comes to
3 landfills, there is a monitoring process of 20, 30 years,
4 and, also, a, a, a situation where we all have a concern.

5 There is residents in the area, and we really feel
6 the only right way of doing this, the only right way of
7 spending the money appropriately is to do a complete and
8 total cleanup. It does a number of things.

9 Besides the obvious, it makes us all feel that
10 we've done the right thing. That we've really truly taken
11 care of the environmental concerns of the community and of
12 the neighborhood in particular, but we've, also, created a
13 situation where we can now; hopefully, use the land, and use
14 it for some access, rather than the very limited access that
15 we'd get with the EPA's proposal.

16 So, we're talking about a number of things. We're
17 talking about environment. We're talking about future use.
18 We're talking about responsibility. We're talking about
19 what's going to happen in generations to come.

20 I think it's very clear, among the State
21 Representatives and among the Town officials and among the
22 concerned citizens, that the appropriate and the best way of
23 spending the millions of dollars that we're asking the
24 government to spend, is to do a total cleanup, and I refer
25 to the SC-3B cleanup.

1 I think I said the last time I was here, you know,
2 you can spend \$20 million and do it halfway right, or you
3 can spend the \$50 mill -- \$55 million and do it right, and
4 do it right for now, and do it right for the future.

5 Thank you.

6 (Applause.)

7 MS. STUDLIEN: Thank you, Representative.

8 (Applause.)

9 MS. STUDLIEN: Thank you.

10 Our next speaker is Robert Kimball.

11 (Pause.)

12 MR. KIMBALL: I'm going to sit down. I believe
13 it's cooler down here.

14 First of all, the Town would like to thank the
15 EPA, members of the EPA representatives, along with
16 Congressman Barney Frank, Senator Sprague, Representatives
17 Travis, Pourier and Coppola for coming here tonight to
18 support our position.

19 On behalf of its 18,000 residents, the Town of
20 Norton Board of Selectmen hereby submits its response to the
21 EPA's Proposed Plan for Cleanup of the Shpack Landfill
22 Superfund Site, as presented at the June 23rd, 2004 public
23 meeting.

24 The position of the Board and the citizens of the
25 Town is clear. We are united and steadfast in our

1 opposition to EPA's preferred Alternative SC-2B, which does
2 not meet the needs of the community now or in the future.
3 We are united and steadfast in our declaration that
4 Alternative SC-3B is the only acceptable alternative for the
5 Town of Norton.

6 OWNERSHIP AND LAND USE:

7 The Shpack property is owned by the Town of Norton,
8 through its Conservation Commission, "for administration,
9 control and maintenance as provided in Section 8C of Chapter
10 40 of the Massachusetts General Laws" (see deed, dated June
11 1st, 1981, transfer of property from Lea Shpack). As such,
12 the land is designated as Open Space.

13 The Ad Hoc Shpack Committee, appointed by the
14 Board of Selectmen to work with the Army Corps of Engineers
15 on reuse scenarios for the Shpack Site (July 2002 - January
16 2003), selected the reuse option of Passive Recreation, with
17 the Army Corps' approval. Those decisions are consistent
18 with the Norton Conservation Commission's statutory charge
19 and underpin the Town's Alternative SC-3B position. The
20 Environmental Protection Agency's Directive Land Use in the
21 CERCLA (Superfund) Remedy Selection Process, dated May 25th,
22 1995, states:

23 "The EPA believes that early community
24 involvement, with a particular focus on the community's
25 future uses of the property should result in a more

1 democratic decision-making process; greater community
2 support for remedies selected as a result of this process,
3 and more expedited, cost-effective cleanups."

4 Further, the Environmental Protection Agency's
5 Reuse Assessment Guide states:

6 "The scope and level of detail of the reuse
7 assessment should be site-specific and tailored to the
8 complexity of the site, the extent of the
9 contamination...and the density of the development in the
10 vicinity of the site."

11 "The Superfund land use Directive states that in
12 cases where the future land use is relatively certain, the
13 remedial action objective or objectives generally reflect,
14 should reflect this land use."

15 "EPA is responsible for ensuring that reasonable
16 assumptions regarding land use are considered in the
17 selection of a response action."

18 EPA's current plan, which includes fencing off and
19 securing the site, institutional controls and monitoring,
20 with health, human health risk potential considered only for
21 the adjacent residents and trespassers, clearly ignores the
22 Town's intended reuse of the site; that being Passive
23 Recreation within the Norton Conservation Commission's Open
24 Space Plan.

25 Since December of 1999, when representatives from

1 EPA and the US Army Corps of Engineers came to Norton to
2 discuss the renewed investigations at the site, and at 13
3 public meetings from February, 2000, to November, 2003, EPA
4 gave the same presentation. The Army Corps of Engineers
5 would first excavate and dispose of off-site all the
6 radiological waste, including uranium and, and radium, and,
7 then, the EPA, working with the "Possible Responsible Party"
8 (PRP) Group, under Superfund, would clean up the remaining
9 chemical and heavy metal contaminants.

10 We understood "clean up" to mean excavation and
11 off-site disposal of all contaminated materials from the
12 site that posed an unacceptable risk, not just the
13 radiological waste, some dioxin and the PCB contaminated
14 soil.

15 The EPA's preferred alternative does not
16 accomplish this.

17 After the Army Corps has removed the radiological
18 waste, the EPA's plan is to excavate only soil and sediment
19 that is close to the surface in a certain wetland area, even
20 though the waste extends to 15 feet below the water table in
21 some wetland portions of the site, to consolidate this
22 waste, and leave it in an upland area on site. Outside of
23 the wetland area, EPA plans to remove only the soil that is
24 contaminated with dioxin or PCBs for off-site disposal. The
25 majority of the chemical and heavy metal contaminated soil

1 (the responsibility of the EPA and PRP Group), and the
2 aforementioned wetlands excavation would be transferred to
3 an on-site location and be capped.

4 The only alternative acceptable to the Town of
5 Norton, SC-3B would:

6 "Remove all radiological and chemically
7 contaminated materials from the site that pose an
8 unacceptable risk. As a result, Alternative SC-3 provides
9 the greatest degree of overall protection."

10 "Both chemical and radiological source materials,
11 exceeding cleanup levels would be permanently removed from
12 the site; thereby, ensuring that this remedy remains
13 effective in the long term."

14 "SC-3 would greatly reduce the toxicity of the
15 material that remains at the site to acceptable levels.
16 Because all site (sic) and sediment above cleanup levels
17 will be removed from the property, both the volume and
18 mobility of contamination is greatly eliminated."

19 EPA maintains that Norton's Preferred Alternative
20 provides only "slightly greater protection at a
21 significantly greater cost". We counter that the opposite
22 is true. The difference in cost is insignificant compared
23 with the enormous disparity between the two plans. EPA's
24 strategy is to contain and cover; the community's chosen
25 remedy is removal.

1 EPA's Preferred Alternative cost is approximately
2 \$29 million. The most expensive alternative considered
3 under their Feasibility Study exceeds \$126 million. At \$55
4 million, the plan chosen by the Town of Norton is a
5 compromise, already meeting EPA and the PRP Group halfway.
6 It is not an unreasonable demand given the true magnitude of
7 this problem.

8 The time frames and impacts on the community,
9 between the two alternatives being considered for the
10 EPA/PRP construction phase of the clean up, are not that
11 different. "Both are easily implementable." "The
12 personnel, equipment and materials required to implement
13 each of these technologies are readily available." Impact
14 to air quality and to the local roads can be managed by good
15 construction practices and working with the community.

16 EPA's Preferred Alternative, which requires
17 long-term monitoring of the still contaminated, capped
18 parcel by the PRP Group, is unacceptable and could result in
19 a permanent financial and regulatory burden for the Town of
20 Norton. While the Town is given assurances that the PRP
21 companies entering into the Consent Agreement are now
22 financially stable, there is no guarantee that will hold
23 true in the future.

24 Should those parties disappear from the corporate
25 universe or simply bail out on Shpack, the Town of Norton,

1 with the longest standing on the PRP list as owner of the
2 property, could be left holding the bag. It is also
3 possible that the State would be left with the
4 responsibility of operation and maintenance of the site.

5 It is naive for the Environmental Protection
6 Agency to believe that the Shpack Site can be secured with
7 fencing. Over the last decade, neither EPA nor the PRP's
8 have monitored the site for security, even though they knew
9 the dangers posed to anyone who entered the property
10 unprotected. Fences are broken, "No Trespassing" signs are
11 faded or have fallen, and beer cans, shotgun casings, etc,
12 provide evidence of trespassers onto the contaminated land;
13 likely, others curious about an old dump site ventured there
14 as well, individuals who had no idea what lay beneath them.

15 Under the EPA's plan, the Human Health Risk was
16 calculated based on the adjacent residents entering the
17 property and trespassers. The impact on human health are
18 dependent on many variables, including age of the person,
19 which is impossible to determine with the trespassers or the
20 adjacent resident, as that person, or persons, will
21 undoubtedly change.

22 The extension of Norton's water main to the end of
23 Union Road at the Attleboro city line raises concerns over
24 new development in the residentially zoned area near the
25 site, which will expose more residents to EPA's "accepted

1 minimum risks" at Shpack. Redevelopment of the 5-acre
2 parcel of land on which the Shpack residence is situated is
3 also likely.

4 In response to the rationalization that
5 "typically" all landfills are capped, the Shpack site, if it
6 is anything, is not typical. In fact, although residential
7 and industrial waste were disposed of there in order to fill
8 a wetland, the Shpack Superfund Site does not technically
9 fit in the category of municipal landfills, and the
10 standards and regulations applied to those licensed
11 facilities (like the neighboring Attleboro Landfill, Inc.)
12 should not be assumed the rule for Shpack, which was in fact
13 a privately owned and operated illegal dump.

14 Once the Shpack Site is properly cleaned up, we do
15 expect a cap, that being a cover of clean soil and grass, to
16 return the land to as near a natural state as possible.

17 EPA's process, EPA's scheduling of this critical
18 part of the process (the presentation of its clean up plan,
19 the public comment period, and the public hearing) from the
20 end of June through August is unfortunate. Attendance at
21 the public meeting of June 23rd, 2004, in Norton was very
22 low compared to past meetings. The low turnout can be
23 attributed to summertime vacations and other pleasant
24 distractions which preoccupy much of the public. However,
25 neither the EPA nor the PRP Group should underestimate

1 Norton's resolve. We will exhaust all regulatory, political
2 and legal means possible to effect the SC-3B solution.

3 In conclusion, the US Environment Protection
4 Agency's Proposed Plan For The Cleanup of the Shpack
5 Superfund Site, 2004, its Preferred Alternative SC-2B (The
6 Capping Alternative) is unacceptable to the Town of Norton
7 because:

8 It does not adequately address the community's
9 planned reuse of the site, now or in the future. It
10 appears, in fact, that contrary to the Agency's own stated
11 policy, this was not a consideration in the selection of its
12 response action.

13 EPA's Preferred Alternative is not as effective,
14 in the long term or the short term, as Norton's Preferred
15 Alternative.

16 EPA's Proposed Plan does not provide a permanent
17 solution to our environmental concerns.

18 EPA's Preferred Alternative leaves the Town of
19 Norton with a still contaminated site and a consequentially
20 unacceptable level of residual risk.

21 The Town should not have to tolerate the stigma
22 attached to a toxic waste Superfund Site any longer.

23 SC-2B results in a permanent financial and
24 regulatory burden on the Town.

25 The EPA's Proposed Plan is not considered to be a

1 "Remedy".

2 It is the Board of Selectmen's position that
3 Norton's Preferred Alternative, SC-3B, is a fair compromise,
4 at a realistic cost to EPA and the PRP Group, with an
5 acceptable time frame that provides a reasonable solution to
6 the decade-old, decades-old problem of the Shpack Superfund
7 Land Site.

8 Respectfully submitted by the Norton Board of
9 Selectmen, Robert W. Kimball, Jr., Chairman. That's
10 K-I-M-B-A-L-L.

11 Thank you.

12 MS. STUDLIEN: Thank you, Selectman.

13 (Applause.)

14 MS. STUDLIEN: Thank you.

15 Our next speaker is Richard Gomes.

16 (Pause.)

17 MR. GOMES: Good evening.

18 My name is Richard Gomes. Last name is spelled
19 G-O-M-E-S. I'm the Deputy Fire Chief for the Town of
20 Norton.

21 I'm just going to go into a little past history.
22 It's going to be very short, but I will go somewhere with
23 it.

24 In the 50's and 60's when the Shpack Site was in
25 use, and I see it referred to very nicely as a landfill, it

1 was a dump. There was no regulation for that type of
2 operation. The Town was never involved. It was a private
3 fill, private land use, and there was no regulatory
4 stipulations at the time. There were no regulations for
5 that type of use.

6 Over the years, when the dump was in operation,
7 the Fire Department responded to many fires there; involving
8 either rubbish or brush. Many fire fighters either ingested
9 or absorbed or inhaled contaminants from that site. Over
10 the years, several of the fire fighters have died of cancer
11 since that site is closed. Now, we don't know if that had
12 anything to do with that site.

13 The point is that, and this is where I'm going,
14 it's that we don't know. If the site is cleaned up with the
15 proposal as stated by the EPA, people who visit the site,
16 trespass the site will not know.

17 The other thing I'd like to point out is that the,
18 the people are being referred to "principally responsible
19 parties". I consider them to be solely responsible parties,
20 and the Fire Department would like to see you stay with the
21 plan 3B to completely remove contaminants from the site,
22 which will alleviate any problems in the future, either
23 regulatory, financial or any other. It, it will bring the
24 Town in to a fray if they have no, no business in the
25 planning or having any party to it.

1 Thank you.

2 MS. STUDLIEN: Thank you, Mr. Gomes.

3 (Applause.)

4 MS. STUDLIEN: Thank you.

5 Our next speaker is Ron O'Reilly.

6 MR. O'REILLY: Ronald O'Reilly, O, apostrophe,
7 R-E-I-L-L-Y.

8 I have lived on Union Road for 32 years. Six
9 years before the existence of the Shpack Site was
10 publicized. The 1998 (sic) discovery of nuclear waste at
11 the Shpack Site, and the following 25 years of failed
12 cleanup still plagues us to this evening.

13 In 1978, when a young student with a geiger
14 counter went to the City Officials, in Attleboro, thinking
15 that the land was located there, he was ridiculed. He was
16 referred to in the paper as a lunatic. Each time he tried
17 to bring attention to the problem, he became the problem.

18 No one from Texas Instruments stepped forward to
19 investigate the possible problem. The community did not
20 know that 1,000 pounds of nuclear material was missing from
21 TI's Nuclear Processing Plant, but, surely, the people at TI
22 knew that nuclear material was missing.

23 We have to assume that both Texas Instrument and
24 the Department of Energy were aware of the missing 900,
25 1,000 pounds of enriched uranium pellets.

1 In 1980, the Department of Energy quietly removed
2 in excess of 900 pounds of the enriched uranium pellets from
3 the Shpack Site; however, no attempt was ever made to locate
4 any pellets that may have been picked up by kids taking a
5 shortcut from the dump through the Shpack property.

6 For those who are too young to remember, in those
7 days, as was just stated, it was a dump. It was not a
8 landfill. Many kids used to go there. There were always
9 interesting things to be picked up. People used to go there
10 for target practice. A shortcut from the Attleboro dump was
11 through the Shpack property. The enriched uranium pellets
12 were probably enticing, and I would imagine some of them
13 were picked up at various times and taken home.

14 The Department of Energy erected a fence and
15 tested the site in the early 80's, and they left the scene
16 shortly after. After about five years, the brush overgrew
17 the fence, and, eventually, the fence collapsed. Hunters
18 were frequent visitors going duck hunting in the swamp, and
19 ATV's coming along the electric company right of way used it
20 as a turn around.

21 The fence on the site today, which was erected
22 within the last five or six years, is fully over grown and
23 is barely visible from the street, and it sits on the
24 street.

25 These events show that despite the knowledge of

1 nuclear hazardous waste, the government was unable to
2 prevent trespassing at the site. There is no reason to
3 believe that the future will be any different. Trespassers
4 on that site will be a perpetual problem.

5 When we get to talking about capping, the
6 Attleboro Landfill is a good example of problems with
7 capping. The plan was approved by the Mass Department of
8 Environmental Protection. The capping was done and was
9 inspected as it was progressing by the Department of
10 Environmental Protection; yet, despite a statutory
11 requirement, no bond was posted to insure that the site
12 would be maintained in the future.

13 Today we know the site needs to be recapped.
14 Water runs off into the street. During the capping, there
15 was an explosion and fire. It was not reported. Erosion of
16 the capping material is evident from the street, and this is
17 just an example of what's going to happen with capping.
18 Capping is not a permanent answer.

19 The steep slope, the plans are in the works to
20 reopen the cap and try to get it done right in the future.
21 If it was done right, if they were able to do it right the
22 first time, it would have been done. There is no reason to
23 believe the Shpack will be done right the first time.

24 The Shpack Site is along an electric company right
25 of way. It runs all the way to Fall River. It's highly

1 travelled by ATV's and dirt bikes and motor bikes. The
2 capping will create an inviting ramp and a jump for these
3 vehicles. These are recreational vehicles, and they're
4 always looking for a ramp or a jump. As a result of their
5 using the ram -- the cap as a jump, the cap will deteriorate
6 very quickly and expose the bikers to hazardous chemicals
7 and fumes.

8 EPA has previously advocated Cleanup SC-2B using
9 the justification that the PRP's will be around in the
10 future if additional funds are needed. Texas Instruments is
11 the primary PR -- is the PRP with the deepest pockets. Many
12 of us remember when TI employed over 5,000 people in
13 Attleboro. Today that number is scheduled to drop to 900.

14 Who knows if TI will even be in business in the
15 United States in 20 years if additional funds are required?
16 The time to cleanup the site is now or the Town of Norton
17 will be liable in the future.

18 EPA sought citizen input, and the citizens
19 advocated the cleanup identified as SC-3B. EPA now faces
20 the cleanup proposed by the PRP, primarily Texas
21 Instruments, the same Texas Instruments that stuck its head
22 in the sand when 900 to 1,000 pounds of nuclear waste was
23 missing for 25 to 35 years. There is no reason to believe
24 the PRP's will be anymore responsive to the future problem.

25 The only cleanup that should be consider is SC-3B.

1 Thank you.

2 (Applause.)

3 MS. STUDLIEN: Thank you, very much.

4 (Applause.)

5 MS. STUDLIEN: Thank you.

6 Our next speaker is Gary Covino.

7 MR. COVINO: Good evening. My name is Gary

8 Covino. I'm the Health Agent for the Town of Norton. The

9 Town -- sorry about that.

10 The Town of Norton Board of Health appreciates the
11 opportunity to comment on the Proposed Cleanup Plan for the
12 Shpack Landfill Superfund Site.

13 We cannot support any remediation alternative
14 which does not provide the overall protection of human
15 health and the environment. We are in general agreement,
16 following the public information meeting, that the two
17 alternatives deserving further consideration are SC-2 and
18 SC-3 and their variations that provide protection to the
19 adjacent resident without groundwater consumption.

20 That is SC-2B and the EPA's preferred alternative
21 and SC-3B. Both of these alternatives include installation
22 of a water line to two residences adjacent to the Superfund
23 Site.

24 Recent history has shown that installation of a
25 water line in the area where devel -- excuse me. Where

1 development could occur has invited residential development.

2 The Board will not allow residential portable
3 water wells in the area of Superfund Site; however, we
4 cannot deny, nor can the Water Department, connection to the
5 water main installed adjacent to the property.

6 It has been noted that much of the open land,
7 along with the water line rouse, is conservation land, but
8 we believe any developable land will be developed following
9 the water line installation.

10 We doubt that the restriction on connections would
11 be enforceable, and we have to agree with the Water
12 Department on the policy of sizing pipe installation for
13 fire protection and future looping; so, any water line
14 installed will have the capacity for development.

15 We are concerned with the difference between the
16 two alternatives and the permanence of the solution and the
17 effectiveness in protecting the recreational and occasional
18 user of the site. The least protective of the two
19 alternatives, SC-2B, consolidates waste as the new landfill
20 area seals off from normal activities, provides the
21 monitoring and maintaining of the new landfill.

22 The Board presently maintains and monitors a close
23 landfill. It has been subject to trespass, vandalism and
24 damage from natural causes. This is an ongoing concern
25 that, at some time in the future, the Board will be required

1 to meet some new regulations, deal with some previously
2 undetected contaminants or spend the sum dealing with the
3 bad laboratory data. These same ongoing maintenance costs
4 and concerns would apply to the new landfill on the Shpack
5 Superfund Site.

6 While the EPA can argue that the cost of all
7 future maintenance and monitoring of the Shpack Superfund
8 Site will be the responsibility of the PRP's, we are
9 concerned that the Town of Norton is a PRP. The Town is the
10 PRP with the longest history and we'll be around after all
11 of the PRP's disappear from the corporate universe.

12 The Town cannot be sold off to another company and
13 disburse its liability. Most importantly, should the Board
14 be left holding the proverbial bag, as the last PRP
15 somewhere in the distant future or even as, as one of
16 several PRP's at the same point in time, the Commonwealth
17 and federal governments have control of funding for the Town
18 that could be used in simple maintenance required in
19 compliance with future regulatory requirement.

20 The lack of permanence in the EPA's preferred
21 alternative will result in permanent financial and
22 regulatory burden for the Town of Norton.

23 The Town of, the Town of Norton Board of Health is
24 concerned with the EPA's preferred Alternative SC-2B, which
25 is not as effective as another Alternative SC-3B, in the

1 long term or the short term.

2 While it could be argued that new landfill or
3 Superfund Site, in Alternative SC-2B, will result in the
4 better protection from the consolidated waste and less risk
5 that the existing condition, the alternative will bring more
6 people to the area when site development occurs along with
7 the water line.

8 More residents living closer to the site will
9 increase the recreational use, number of -- excuse me,
10 number of EPA's accepted minimum risks. The increased
11 development will, also, increase the number of potential
12 trespassers and vandals entering the suppose to be secured
13 land; thereby, increasing exposure, as well as maintenance
14 costs.

15 This is not a result that would be particular
16 Norton, and we would expect that you have seen a similar
17 result in other locations where landfills have been
18 consolidated in residential areas.

19 The Norton Board of Health cannot support the
20 EPA's preferred alternative and strongly recommends
21 implementation of a clean cleanup Alternative SC-3B,
22 installation of a water line and removal of all radiological
23 and chemically contaminated materials that pose the
24 unacceptable risks.

25 The Norton Board of Health understands that there

1 are potential impacts in the community from the
2 implementation of the preferred cleanup plan and possibly
3 more significant impacts from the alternative we recommend.

4 The impacts to air quality and to local growers by
5 truck traffic can be managed by good construction practices
6 and working with the community. The air quality of the area
7 surrounding the Shpack Landfill Superfund Site will not be
8 deteriorated by the cleanup activities in the site.
9 Standard construction activities and strict monitoring can
10 be specified and implementing the assuredness.

11 The Board of Health may require that monitoring
12 reports be provided to the Board and may require specific
13 monitoring during cleanup operations. Spillage from the
14 trucks leaving the site will not be acceptable in the roads
15 in the area of the Shpack Landfill Site. They are generally
16 not in accordance to support long-term truck operations.
17 Again, standard construction activities and strict
18 monitoring will be specified and implemented to ensure the
19 materials are not carried off of the site into local roads,
20 and that transporting materials are not released from the
21 trucks.

22 The Board recommends that rail transport, using
23 the nearby rail lines be considered and implemented if at
24 all possible. Activities at the Shpack Landfill Superfund
25 Site and the adjacent Attleboro Landfill will require

1 removal of materials and the import cover materials. The
2 Board recommends that rail transport, using the nearby rail
3 be considered and implemented if at all possible.

4 If rail trans -- transport can't be implemented an
5 existing road network must be used. The Board recommends
6 that all parties involved -- PRP, Corps of Engineers,
7 Attleboro Landfill, Mass DEP, EPA -- work to improve
8 specific roadways to a standard that will support the level
9 of traffic needed.

10 The Board of Health will work with the local
11 public safety officials and other Town Boards to reduce the
12 impacts of truck traffic in the Town of Norton and its
13 residents.

14 Respectfully, the Board of Health.

15 MS. STUHLIEN: Thank you, very much.

16 (Applause.)

17 MS. STUHLIEN: Thank you.

18 Our next speaker is Jim Mooney.

19 (Pause.)

20 MR. MOONEY: Good evening.

21 I do appreciate the opportunity to come before you
22 tonight to discuss a little bit about Attleboro's idea of
23 what should be done over there.

24 I'm not here to argue with or disagree with
25 Norton's proposal for the SC-3. I think once we pass over

1 to Norton, I think Norton should be the only one that should
2 determine ultimately what happens there; however, in the
3 Attleboro side, we roughly have two and a half acres. Most
4 of the contamination is not in the Attleboro side. Most of
5 it is on the Norton side.

6 Both alternatives, SC-2 and SC-3, will provide
7 overall protection, health protection to the residents and
8 to the people of both Attleboro and Norton.

9 SC-2, SC-2 is a good problem solver. It's done
10 all over the United States. We have brown fields
11 everywhere. I have brown fields in Attleboro. I have brown
12 fields in Attleboro that are currently, now, recreational
13 sites. I have contaminated sites in Attleboro that, within
14 the last 27 years, have been covered, capped, and they're
15 used as athletic fields, that are used as basketball courts,
16 and they're used as a number of recreational type facilities
17 for the general public. I believe that, at no time, have
18 any of these individuals in Attleboro at risk by using these
19 sites. It is an alternative that the, both state and
20 federal government, even the City of Attleboro, has had to
21 address many times in Attleboro.

22 This is not our first site to deal with. We've
23 dealt with many sites in Attleboro. We did have a
24 radioactive ball field years ago. It had Radon.
25 Fortunately, legislature bailed us out, passed an immediate

1 bond to the City of Attleboro and we were able to remove the
2 radiation, cap the site and now, more than 125 kids play on
3 that site every night.

4 I'm not opposed to having something done, and I
5 want something done that will protect everyone. Whether
6 you're a citizen of Attleboro or a citizen of Norton, I want
7 everybody protected. Some things can be done with a lot of
8 thought, a lot of science, to properly protect.

9 In Attleboro, the S-2 sites, since we have no
10 interest, and I don't believe ALI or anybody over there has
11 any interest in putting a house or a recreational field or
12 anything on the two and a half acres on the Attleboro site,
13 the S-2 site seems adequate enough to protect, certainly,
14 the citizens of Attleboro and, hopefully, the citizens of
15 Norton.

16 Norton officials and representatives and
17 legislatures got up and said, "Hey, the best way to fix
18 something is to completely remove it." That's true. So,
19 for Norton, that may be their best proposal, and it may be
20 the thing that needs to be done, but that two and a half
21 acre site, I don't know it needs to be completely removed of
22 all contamination. It's never going to be used.

23 Both sites, both proposals require that a water
24 line, a 4,000 foot water line be extended down from Norton,
25 down Union Road, to the Shpack House and to the house

1 adjacent across the street. I think it's a great idea.
2 Those two wells that have contamination should be protected.

3 However, I have two wells in Attleboro. I, also,
4 have a well that was condemned years ago at the ALI site.
5 So, if you want to be complete, there are actually three
6 wells that have had some contamination. One no longer being
7 used.

8 I reviewed the proposal to extend the water line
9 4,000 feet from Norton down to these two houses with a
10 10-inch main. They plan to go underneath the railroad
11 tracks at a tremendous cost of \$125,000.00. I've spoke with
12 the Mayor or Attleboro. I've spoke with a number of
13 councilmen. I've spoke with the superintendent of Water.
14 We do have a water service on the Peckham side. It's
15 almost 500 to 700 feet closer to these two homes. We do not
16 have to go under a railroad line to supply those units with,
17 with water. There is an immediate savings of over
18 \$125,000.00.

19 What I propose is that, or have, at least, the EPA
20 look at allowing the water line to come in from Attleboro.
21 Attleboro is agreeable to that. We have an eight-inch main
22 that we can send down there. There is more than enough
23 water to supply the two houses in, in Norton.

24 I don't think the water bill is going to be much
25 different than what it is in Attleboro. We're talking

1 pennies. That would save a tremendous cost. I believe
2 that, that \$660,000.00 cost to extend the water line could
3 be reduced by as much as \$250,000.00 if the Town of Norton
4 and the City of Attleboro and the EPA agree to this.

5 You've got to remember that we're all part of
6 this. We're all going to pay the cost of this. We're all
7 PRP's. As your agent just informed you, whatever the cost
8 of this, it's not going to be paid by TI. It's going to be
9 paid equally by all the PRP's. Whether we want to spend,
10 initially, the cost of \$128 million to clean this site,
11 there isn't that many PRP's out there. It's going to be an
12 equal cost to all of us, the City of Attleboro, the Town of
13 Norton.

14 You have to look at how many PRP's are out there.
15 There is about a dozen PRP's. If this project goes on, and
16 we go with 50 or a 100 million dollar cost, it's going to be
17 divided by all the PRP's. The Town of Norton could be faced
18 with a five, three to five million dollar cost. So, I'm
19 just, I just hope that the Town of Norton recognizes that.
20 The City of Attleboro recognizes that.

21 The cost is going to be directed through the town
22 because the citizens of Attleboro and the Town of Norton did
23 use the Shpack Site, as did the City of Attleboro. When I
24 say, "The Shpack Site," I mean that little two and a half
25 acre pie that's considered part of the Shpack Site. It's

1 part of Attleboro.

2 I don't know if the residents are aware of this.
3 I don't know if the Town officials are aware of this, but
4 there is a hell of a liability to your town, as there is to
5 Attleboro. I will not do anymore talking about Norton
6 because I think you make your own decision, and my thoughts,
7 privately, I have thoughts about what I'd like to see you
8 people do, but from may authoritarian point of view, my
9 jurisdiction ends at the property line.

10 The first alternative I think is acceptable to
11 ALI. I think what would happen to ALI, the City of
12 Attleboro, I think what would happen with the capping
13 probably would happen with ALI, but it would probably be
14 somewhat corrected by an extension of another two and a half
15 acres of filling; hopefully, that addressed some of the
16 problems they have over there, and the rest of it I leave up
17 to Norton, but I would entertain that the federal government
18 look at saving some money and look at putting the water line
19 through the City of Attleboro.

20 MS. STUDLIEN: Thank you, very much.

21 (Applause.)

22 MS. STUDLIEN: Our next speaker is Heather Graf.

23 MS. GRAF: My name is Heather Graf. I'm the
24 Coordinator of the Citizen's Advisory Shpack Team. The
25 spelling is G-R-A-F, as in Frank. One F.

1 To Dave Lederer comments. The US Environmental
2 Protection Agency has always referred to the Shpack Site as
3 a landfill. We never paid much mind to the use of this
4 word, but, in hindsight, we should have because, now, the
5 EPA and the Massachusetts Department of Environmental
6 Protection Agencies are attempting to justify their cover
7 and cap proposal for Shpack by saying, "All landfills are
8 capped."

9 Well, we would not argue that landfills are
10 typically capped, but we do counter that the Shpack Site is
11 not a landfill, and cannot be designated or treated as such,
12 and while Isadora Shpack accepted any wastes that needed
13 disposing of in order to fill his wetland property, this
14 site was, in fact, a privately owned and operated illegal
15 dump. The Shpack Superfund Site must be classified and
16 correctly dealt with for what it is, a toxic waste dump, not
17 a landfill.

18 The Shpack dump site, also, differs from landfills
19 in having commingled waste materials; that being a mixed up
20 mess of both radiological contaminants, uranium and radium,
21 chemical wastes, some of which are classified as
22 carcinogenic, volatile inorganic and organic compounds, as
23 well as high levels of heavy metals; including lead and
24 arsenic.

25 The presence of high grade radioactive materials

1 had complicated the cleanup process at Shpack. Since 1979,
2 when the RAD contamination was first detected, numerous
3 agencies were called upon to investigate the site; including
4 the Nuclear Regulatory Commission and the US Department of
5 Energy. The acronym for that is DOE.

6 In 1980, the DOE removed approximately 800 pounds
7 of radiological contaminated material from the surface of
8 the site. Ultimately, the responsibility for dealing with
9 the uranium and radium fell to the US Army Corps of
10 Engineers, ACE. Their plan is to excavate, remove and
11 dispose of, off site, all radiological wastes that exceeds
12 standard levels for human health and safety.

13 Considering the fact that these hot spots are not
14 isolated or centralized, but widely scattered all over the
15 property, a map identifying the hot spots looks like a bad
16 case of the measles, and the fact that the radiological
17 contamination does not lie on the surface but goes to a
18 depth of up to 20 feet, it is safe to assume that the
19 activities undertaken by the Army Corps, the first
20 responders on this site, will greatly decrease the amount of
21 waste material left for the EPA.

22 Is it logical even to a layman, just glancing at
23 the big picture, to see that the lion's share of the waste
24 material on this site will be taken away by the Army Corps.

25 In most of the dump, the contaminants are

1 commingled. The radiological with the chemicals and heavy
2 metals. The construction crew working for the Army Corps
3 must continue digging and removing until they reach the
4 perimeter where soil tests indicate they are clear of
5 radiological contamination.

6 Even in the EPA's current plan, their estimated
7 volume of RAD material expected to be removed by the ACE is
8 several thousand yards less than the Corps' estimate, and a
9 spokesman for the Army Corps admits that their own estimates
10 always fall short of the actual amount of material they
11 windup removing.

12 The excavation, removal and disposal by the Army
13 Corps of all the radiological contaminates, which cover the
14 site heterogeneously and go to considerable depth, will also
15 take out and away much of the chemical and heavy metal waste
16 leaving less material for the Environmental Protection
17 Agency to have to deal with.

18 To those reviewing the Feasibility Study, FS,
19 intended to support EPA's chosen plan, it does not appear
20 that this has been given adequate attention.

21 Also, in the FS, has the draft considered the most
22 or likely that most, or likely all of the soil with combing
23 of waste will already have been removed from the site by the
24 Corps, or did the authors of this report factor in disposal
25 costs that the contractor working for the possible

1 responsible party, PRP Group under EPA, will be charged
2 factoring it at the highest cost, which is associated with
3 combing of the waste?

4 It is apparent that the Feasibility Study is
5 flawed in overestimating the amount of contaminated material
6 the PRP's working with EPA will be left to deal with and,
7 also, overestimating, on top of that, the disposal costs.
8 In fact, the cleanup alternative preferred by the Town of
9 Norton would cost considerably less than reports for the EPA
10 indicate.

11 It should be noted here that the draft final
12 Feasibility Study, dated June 17th, 2004, was prepared by
13 ERM, Environmental Resources Management, "For the Shpack
14 Steering Committee."

15 I expect many people reading this testimony
16 understand that the Shpack Steering Committee is, in fact,
17 the PRP Group, responsible parties; six companies being held
18 responsible for the contamination at Shpack and the cost to
19 cleanup the contamination that is not radiological.

20 The Shpack, the Shpack Steering Committee should
21 not be viewed as unbiased. They are a special interest
22 group whose goal must be to get EPA to accept a cleanup plan
23 that lets them off the hook as quickly, easily and cheaply
24 as possible.

25 It is obvious that EPA has complied choosing the

1 alternative that, above all, satisfies the PRP needs, but
2 still, according to EPA officials, meets the criteria for
3 their task under Superfund. It would appear a new line item
4 has been added to the EPA's list of qualifying criteria;
5 that being PRP satisfaction.

6 Why would the US Environmental Protection Agency
7 go in this, go in this direction? Perhaps, because having
8 the Shpack Site still on their national priority list of
9 Superfund Sites, after almost 20 years, is an embarrassment.

10 More embarrassing for EPA and incomprehensible is
11 the fact that after four and a half years of working with
12 the Town of Norton, or so we thought; after 13 public
13 meetings in the Town of Norton, and five smaller meetings
14 where the Ad Hoc Shpack Technical Committee discussed reuse
15 scenarios for this site the agency pretends it just doesn't
16 get it.

17 At the 11th hour, they pull the rug out from under
18 us with this stupid plan. Instead of negotiations occurring
19 between EPA and the PRP Group, which were suppose to start
20 after the upcoming record of decision and take one to two
21 years, the Environmental Protection Agency has instead put
22 the Town of Norton in the extremely difficult position of
23 having to negotiate for an acceptable cleanup plan.

24 Although fully engaged in this process for the
25 entire period, I never saw this coming. Had there been an

1 inkling to us during the four and a half year process, that,
2 in the end, this cover and cap plan would be EPA's preferred
3 alternative for remedial action at the Shpack Superfund
4 Site, we would have had an opportunity to fight back and
5 time to change the course of EPA's decision.

6 In four and a half years of discussions with EPA,
7 the project manager, who has been on this Superfund Site
8 since the beginning, never, ever, in our presence, uttered
9 the word "cap".

10 While I would not be here tonight if I thought it
11 was too late to alter their course, obviously, EPA has put
12 the Town of Norton at a tremendous disadvantage.

13 One of the criteria the US Environmental
14 Protection Agency must consider, must consider in their
15 record of decision for cleanup of Superfund sites is
16 community acceptance.

17 Let us all be perfectly clear here. The Town of
18 Norton is united and steadfast in our opposition to EPA's
19 preferred Alternative SC-2B, which does not meet the needs
20 of the community now or in the future. It does not provide
21 a remedy, does not allow reuse of a site for passive
22 recreation, does not have permanence as in a permanent
23 solution, and places an unfair burden on the Town.

24 The Town, further, the Town of Norton is united
25 and steadfast in our declaration that Alternative SC --

1 SC-3B is not only the preferred alternative of the Town, it
2 is the only acceptable alternative for the Town.

3 Any alternative which provides a level of cleanup
4 lower than the SC-3B will be unacceptable. We do expect
5 EPA's final chosen plan of action and record of decision to
6 support Alternative SC-3B for remedial action at the Shpack
7 Superfund Site.

8 Finally, if my state tax dollars are going to the
9 Massachusetts Department of Environmental Protection, DEP,
10 to support this plan, I'm not going to pay, and if my
11 federal tax dollars are going to the US Environmental
12 Protection Agency to propose this dumb plan, I'm not going
13 to pay.

14 Thank you.

15 (Applause.)

16 MS. STUDLIEN: Angela, are there any other
17 speakers?

18 MS. BONARRIGO: No, that's it.

19 MS. STUDLIEN: Pardon?

20 MR. LEDERER: No one else has signed--

21 MS. STUDLIEN: I'm sorry. Is there any other
22 person that wants to speak?

23 (No verbal response.)

24 MS. STUDLIEN: Okay. Thank you, very much, for
25 participating in the hearing, and, please, remember that the

1 public comment period for making written comments doesn't
2 close until August 25th.

3 This hearing is now officially closed.

4 (Whereupon, on August 4th, 2004, at 8:45 p.m., the
5 above-entitled public hearing is closed.)

CERTIFICATE OF REPORTER AND TRANSCRIBER

This is to certify that the attached proceedings
in the Matter of:

RE: PROPOSED CLEANUP PLAN
SHPACK LANDFILL SUPERFUND SITE
NORTON/ATTLEBORO, MASSACHUSETTS

Place: Norton, Massachusetts

Date: August 4, 2004

were held as herein appears, and that this is the true,
accurate and complete transcript prepared from the notes
and/or recordings taken of the above entitled proceeding.

Kate Soukonnikov

08/04/04

Reporter

Date

Susan Hayes

08/12/04

Transcriber

Date

**RESPONSIVENESS SUMMARY
ATTACHMENT B
WRITTEN COMMENTS RECEIVED**

C. P. Rich Plumbing Co.,
PO Box 293
Norton, MA 02766

Here's the Fax:

To: Dave Lederer From: Butch Rich
Company: US EPA Company: C P Rich Plumbing, Co.
Date: 7-28-04 Pages: 2 (including cover)
My Fax Number is: 508-285-4817 My Phone number is: 508-285-4304

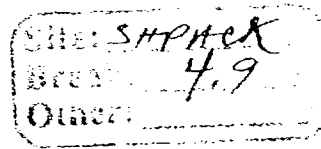
☐ Urgent☐ For Review☐ Please Comment☐ Please Reply☐ Please Recycle

SCMS DocID 000211324





COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053



SENATOR JO ANN SPRAGUE

BRISTOL AND NORFOLK DISTRICT

ATTLEBORO: WARD 3, PRECINCT B, WARD 4,
WARD 5, WARD 6, MANSFIELD, NORTON, REHOBOTH,
SEEKONK, DOVER, FOXBOROUGH, MEDFIELD,
SHARON, PRECINCTS 1, 4, AND 5, WALPOLE

305 ELM STREET
WALPOLE, MA 02081
TEL. (508) 668 6511
FAX (508) 668-5713

Mr. David Lederer
US EPA
One Congress Street, Suite 1100 (HBO)
Boston, MA 02114

ROOM 206, STATE HOUSE
TEL (617) 722-1227
FAX (617) 722 1055

COMMITTEES:
WAYS AND MEANS
PUBLIC SAFETY
TAXATION
EDUCATION, ARTS & HUMANITIES
PUBLIC SERVICE
SCIENCE & TECHNOLOGY
LOCAL AFFAIRS
E-Mail: JSprague@senate.state.ma.us

August 5, 2004

RE: Shpack Superfund Site Cleanup

Dear Mr. Lederer:

I am writing on behalf of my constituents in the Town of Norton to strongly support the Town's choice of SC-3b as the best cleanup alternative for the Shpack Superfund Site. I am steadfast in my opposition to the EPA's choice of SC-2b as the best cleanup alternative.

My constituents and I demand that the old Shpack Dump property be returned to a safe enough condition that it can be used for passive recreation within the Norton Conservation Commission's Open Space Plan. This use conforms to our understanding of what the term "use" has meant during the meetings between the Adhoc Shpack Committee, the Army Corps of Engineers and the U.S. EPA.

The EPA alternative, SC-2b, will remove only some elements of the waste and contain the remaining contaminants under a cap. We know that caps deteriorate, which could re-initiate the pollution cycle. Also, SC-2b would not allow my constituents the kind of use they had been led to expect. The requirement of fencing and a "No Trespassing" sign is evidence that SC-2b would not be a full fledged cleanup, therefore, the Town and its citizens would be left to bear the burden of fighting future contamination and policing problems at the site.

The EPA's decision in this case should not be based on what the remediation costs, but on what is in the best long term interest for Massachusetts citizens, all of whom are taxpayers with a vested interest in a clean environment for our families, friends and neighbors.

SDMS DocID 000211325



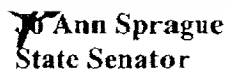
Through the years, my Norton constituents have paid millions of dollars of their hard earned money in taxes to the state and federal government. In this way, the townspeople, for years, have paid for government actions that benefit not only themselves, but actions that provide, also, for the common good for citizens throughout this great country.

It is now time for the EPA to stand tall and acknowledge that the common good requires a permanent and proper clean-up of environmentally unsafe waste. There is no better use for our citizens' tax dollars than to provide for the environmental safety of the citizens residing in this area *now*, for *the generations to follow*, both of which will ultimately be of benefit to all the citizens of our country.

Mr. Lederer, my constituents, their local officials and I, along with other state and federal officials demand that government do the right thing for the environmental safety of us and future generations by adopting choice SC-3b for the cleanup of the Shpack Superfund Site.

We will be proud to stand by you in this action, and in doing so we will be proud to say we won one for the environmental protection of our land and people.

Sincerely,


Jo Ann Sprague
State Senator



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

JO ANN SPRAGUE
BRISTOL & NORFOLK DISTRICT
WAYS AND MEANS COMMITTEE

ROOM 206, STATE HOUSE
BOSTON, MA 02133-1053
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305 ELM STREET
WALPOLE MA 02081
DISTRICT TEL (508) 698-6511

E Mail: JSprague@senate.state.ma.us

August 4, 2004

Heather A. Graf
Citizens Activist, Town of Norton
229 N. Worcester St.
Norton, MA 02766
Ph. (508) 226 - 0898
FAX (508) 226 - 2835

Superfund Records Center

SITE: SHPACK
BREAK: 4.3
OTHER: _____

To - Dave Lederer
US EPA
One Congress St., Suite 1100 (HBO)
Boston, MA 02114

Comments On the US Environmental Protection Agency's "Proposed Plan For Cleanup Of The Shpack Landfill Superfund Site, June 2004"

The US Environmental Protection Agency has always referred to the Shpack Site as a "Landfill". We never paid much mind to the use of the word. In hindsight, we should have. Because now the EPA and the Massachusetts Department of Environmental Protection Agency are attempting to justify their Cover & Cap proposal for Shpack, by saying - "all landfills are capped". While we would not argue that landfills are typically capped, we counter that the Shpack Site is not a landfill, and cannot be designated or treated as such.

And while Isadore Shpack, accepted any waste that needed disposing of, in order to fill his wetland property, this site was in fact a privately owned & operated Illegal Dump.

The Shpack Superfund Site must be classified (and correctly dealt with) for what it is - A Toxic Waste Dump, Not A Landfill!

The Shpack Dump Site also differs from landfills in having "Commingled Waste Materials", that being - a mixed up mess of both radiological contaminants (uranium & radium), chemical wastes (some of which are classified as carcinogenic), volatile inorganic & organic compounds, as well as high levels of heavy metals (including lead & arsenic).

The presence of high-grade radioactive materials has complicated the cleanup process at Shpack. Since 1978, when the rad contamination (including enriched uranium) was first detected, numerous agencies were called upon to investigate the site, including the Department of Environmental Quality Engineering (DEQE), the Nuclear Regulatory Commission (NRC), & the US Department of Energy (DOE). In 1980 the DOE removed approximately 900 pounds of radiological contaminated material from the surface of the site, which was transported to the Oak Ridge National Laboratories in Tennessee.

Ultimately the responsibility for dealing with the uranium & radium fell to the Us Army Corps of Engineers (ACE). Their plan is to excavate, remove and dispose of (off site) all radiological waste that exceeds standard levels for human health & safety.

SDMS DocID 000211326

August 4, 2004

Graf to EPA

Page 2

Considering the fact that these hot spots are not isolated or centralized, but widely scattered all over the property (a map identifying the hot spots looks like a bad case of the measles), and the fact that the radiological contamination does not lie on the surface, but goes to a depth of up to 20 feet, it is safe to assume that the activities undertaken by the Army Corps (first responders on site) will greatly decrease the amount of waste material left for the EPA. It is logical, even to a layman, just glancing at the big picture, to see that the lion's share of the waste material on this site, will be taken away by the Army Corps.

In most of the dump, the contaminants are commingled, the radiological with the chemicals and heavy metals. The construction crew working for the Army Corps must continue digging & removing until they reach the perimeter where soil tests indicate they are clear of radiological contamination. Even in the EPA's current plan, their estimated volume of rad material, expected to be removed by the ACE, is several thousand yards less than the Corps' estimate. And a spokesman for the Army Corps admits that their own estimates always fall short of the actual amount they wind up removing.

The excavation, removal & disposal (by the Army Corps) of all the radiological contaminants (which cover the site heterogeneously, and go to considerable depth) will inevitably also take out and away - much of the volatile organic & inorganic compounds, including chemical & heavy metal waste, leaving far less material for the Environmental Protection Agency to deal with. To those reviewing the Feasibility Study (FS), intended to support EPA's chosen plan, it does not appear that this has been given adequate attention, in fact it has been ignored.

Also in the FS, Question? - Has the draft considered that most (or likely all) of the soil with commingled waste will have already been removed from the site by the Corps? Or did the authors of this report factor in disposal fees (that the contractor working for the Possible Responsible Party (PRP) Group, under EPA) - will be charged, at the high cost associated with commingled waste?

It is apparent that this Feasibility Study is flawed, in over estimating the amount of contaminated material the PRPs (working with EPA) will be left to deal with, and over estimating (on top of that) the disposal costs.

In fact the cleanup alternative preferred by the Town of Norton would cost considerably less than reports for the EPA indicate.

It should be noted here that the "Draft Final Feasibility Study" dated June 17, 2004 was prepared by ERM (Environmental Resources Management) "For The Shpack Steering Committee". I expect many people reading this testimony, understand that the Shpack Steering Committee - is in fact the PRP Group (responsible parties), six companies being held responsible for the contamination at Shpack and the cost to clean up the contamination that is not radiological.

August 4, 2004

Graf to EPA

Page 3

The Shpack Steering Committee should not be viewed as unbiased. They are a special interest group, whose goal must be to get EPA to accept a cleanup plan that lets them off the hook as quickly, easily and cheaply as possible. It is obvious that EPA has complied - choosing the alternative that above all satisfies the PRPs' needs, but still (at least according to EPA officials) - meets the criteria for their task under Superfund. It would appear a new line item has been added to the EPA's list of qualifying criteria - that being PRP satisfaction!

Why would the US Environmental Protection Agency go in this direction? Perhaps, because having the Shpack Site still on EPA's "National Priority List (NPL) of Superfund Sites", after almost 20 years is an embarrassment.

In its haste to de-list the Shpack Site, the Environmental Protection Agency (in a mad dash to the September 30, 2004 finish line), is rushing to approve a plan which ignores EPA's stated goals & responsibilities. In choosing SC-2b as their "Preferred Alternative" the Environmental Protection Agency has given notice that it is renouncing its commitment to the Town of Norton.

What should be most embarrassing for the EPA, and what I find incomprehensible, is the fact that after 4 & ½ years of working with the Town of Norton (or so we thought), after 13 public meetings in the Town of Norton, and five smaller meetings - where the Ad Hoc Shpack Technical Committee discussed reuse scenarios for the site, this agency pretends it just didn't get it!

And at the eleventh hour, they pull the rug out from under us with this stupid plan. Instead of negotiations occurring between EPA & the PRP Group (which were supposed to start after the Record of Decision, and take 1 to 2 years), the Environmental Protection Agency has put the Town of Norton in the extremely difficult position of having to be the ones negotiating, just to get an acceptable cleanup plan. Although fully engaged with this project for the entire 4 and ½ year period, I never saw this coming.

Had there been an inkling among any of us involved with the process, that in the end - this "Cover & Cap Plan" would be EPA's preferred alternative for remedial action at the Shpack Superfund Site, we would have had an opportunity to fight back and time to change the course of EPA's decision. Since December 1999, in the 4 & ½ year period of discussions with EPA, the Project Manager (who has been on this Superfund Site since the beginning) never, ever, in our presence (prior to June 2004) uttered the word "cap". While I would not be here tonight, if I thought it was too late to alter their course, obviously EPA has put the Town of Norton at a tremendous disadvantage.

One of the criteria the US Environmental Protection must consider in their Record of Decision for cleanup of Superfund sites is - "Community Acceptance". Let us all be perfectly clear on this critical point -

August 4, 2004

Graf to EPA

Page 4 (Final Page)

The Town of Norton is united and steadfast in its opposition to the EPA's Preferred Alternative SC -2b, which: does not meet the needs of the community now or in the future, does not provide a remedy, does not allow reuse of the site for the community's intended use - passive recreation, does not have permanence (as in a permanent solution), and places an unfair burden on the town, now and in the future.

The Town of Norton is united and steadfast in its declaration that alternative SC - 3b is not only the Preferred Alternative OF the town, it is the only acceptable alternative FOR the town.

Any alternative, which provides a level of cleanup lower than SC-3b will be unacceptable to the Town of Norton.

We do expect EPA's final chosen plan of action, and Record of Decision to support Alternative SC - 3b for "Remedial Action" at the Shpack Superfund Site.

Should the US Environmental Protection Agency choose to ignore our reasonable demand -

Be it resolved - The Town of Norton will have no reservations about appropriating the necessary funds to take whatever legal action which may be required to secure the SC-3b REMEDY.

It is our obligation now to ensure that the Shpack Toxic Waste Dump is not left as a legacy to future generations, and we will not be deterred.

Finally, if my state tax dollars are going to the Massachusetts Department of Environmental Protection,

To Support EPA's Proposed Plan -
I'm Not Going To Pay!

And if my federal tax dollars are going to the US Environmental Protection Agency
To Propose This Dumb Plan -
I'm Not Going To Pay!

Heather A. Graf

July 1, 2004

Heather A. Graf, Coordinator
Citizens Advisory Shpack Team
229 N. Worcester St.
Norton, MA 02766
Ph. (508) 226 - 0898
FAX (508) 226 - 2835

Superfund Records Center

SITE: SHPACK
BREAK: 4.9
OTHER: _____

Dave Lederer
US EPA, Region 1
1 Congress St., Suite 1100 (HBO)
Boston, MA 02114
Ph. (617) 918 - 1325
FAX (617) 918 - 0325

Re: Public Comment Period for EPA's Proposed "Cleanup Plan for the Shpack Landfill Superfund Site" -

Please consider this a formal request (in a timely fashion), on behalf of the Town of Norton - for a 30 day extension of the Public Comment Period, on EPA's "Proposed Plan for the Shpack Landfill Superfund Site, Norton, MA" dated June 2004.

Thirty days is not nearly enough time to review, digest and discuss: (1) The "Draft Final phase 1B Remedial Investigation Report" (Prepared by ERM, under contract with the "Shpack Steering Committee", AKA - The PRP Group), dated June 17, 2004, (2) The "Draft Final Feasibility Study for the Shpack Landfill Superfund Site" (Prepared by ERM, under contract with the "Shpack Steering Committee", AKA - The PRP Group), dated June 17, 2004; (3) "The Baseline Human Health Risk Assessment" (Prepared by Metcalf & Eddy, under contract with EPA), dated June 2004, and (4) The "Draft Baseline Ecological Risk Assessment" (Prepared by Metcalf & Eddy, under contract with EPA), dated June 14, 2004.

Thirty days is certainly not enough time to formulate logical, intelligent, concise & coherent comments on this plan, or the voluminous documents in support of EPA's Plan.

Assuming the original deadline for public comments was ("postmarked by") July 26, 2004, extending the period another 30 days (60 day total) - should make the new deadline, as requested here - no earlier than August 24, 2004.

This request sent by FAX, Thursday, July 1, 2004 at 4:15 PM. Hard copy to follow.

Heather A. Graf

Cc: CAST Distribution List

SDMS DocID 000211327





Richard Krumm
<RLK117@peoplepc.com>

07/28/2004 06:01 PM

To: Dave Lederer/R1/USEPA/US@EPA
cc: Paperfund Records Center

Subject: Shpack Proposed "Cleanup"

SITE: SHPACK
BREAK: 4.9
OTHER: _____

My dear Mr. Lederer,

Just whose environment are you supposed to be protecting? Certainly not the environment in Norton, where you propose leaving a site that is badly contaminated for future residents to deal with. How on earth can you in good conscience propose such a "solution" to this problem after promising for years that your agency will clean up the site? The citizens of Norton strongly oppose your proposed plan. Our elected representatives, both at the state level as well as at the federal government level, also have expressed their opposition. You claim that you will take under advisement the will of the citizens in arriving at your decision. I hope that you are sincere in that promise. If so, I think you should reconsider your recommended plan and opt instead for your Alternative CS-3b.

Richard L. Krumm

SDMS DocID 000211328



July 14, 2004

Heather A. Graf, Coordinator
Citizens Advisory Shpack Team
229 N. Worcester St.
Norton, MA 02766
Ph. (508) 226 - 0898
FAX (508) 226 - 2835

Superfund Records Center

SITE: SHPACK
BREAK: 4.9
OTHER: _____

To - Dave Lederer
US EPA
One Congress St., Suite 1100 (HBO)
Boston, MA 02114

Position Paper For The Citizens Advisory Shpack Team (CAST)
Comments On the US Environmental Protection Agency's "Proposed Plan For Cleanup
Of The Shpack Landfill Superfund Site, June 2004"

Our position is clear. We are united and steadfast in our opposition to EPA's "Preferred Alternative - SC-2b", which does not meet the needs of the community now, or in the future.

We are united and steadfast in our declaration that Alternative SC-3b is not only the Preferred Alternative Of The Town of Norton, but the Only Acceptable Alternative For The Town of Norton.

Please make note under EPA's "Modifying Criteria" for approval of the cleanup plan - (that being) "Community Acceptance", that EPA's Preferred Alternative SC-2b gets an "unsatisfactory rating".

We expect EPA's final chosen plan of action, and Record of Decision to support the modification requested here - changing to Alternative SC-3b for "Remedial Action".

EPA's Preferred Alternative SC-2b does not provide a remedy, as promised by the Agency. (Ref. Numerous documents - including meeting handouts etc., EPA's web page- New England Superfund Site, Shpack Landfill, 8/31/00 - "Cleanup Approach, The site is being addressed in a long-term remedial phase focusing on cleaning up the entire site." Remedy is understood to mean " the removal of evil, to make right, correct". It is not intended to be a partial or temporary fix, but a total and permanent restoration of the property to a safe condition for reuse.

Quote from EPA spokesman John Sebastian " The goal is to return the property to a safe enough condition so that it can be used again". (Boston Globe, 8/11/91)

SDMS DocID 000211329



The Shpack property is owned by "The Inhabitants of the Town of Norton, through its Conservation Commission – for administration, control & maintenance as provided for in Section 8C of Chapter 40 of the Massachusetts General Laws". (Ref. Deed signed June 1, 1981, transfer of property from Lea Shpack to the Town of Norton). As such the land is designated as Open Space, intended for Passive Recreation.

The Ad hoc Shpack Committee, appointed by the Board of Selectmen, to work with the Army Corps of Engineers, on Re-Use Scenarios for the Shpack Site (July 2002 – Jan. 2003) selected the reuse option of Passive Recreation, with the Army Corps' approval.

According to The Environmental Protection Agency's Directive - "Land Use in the CERCLA (Superfund) Remedy Selection Process" 5/25/95 "The EPA believes that early community involvement, with a particular focus on the community's future uses of property should result in a more democratic decision-making process; greater community support for remedies selected as a result of this process; and more expedited, cost-effective cleanups."

According to The Environmental Protection Agency's – "Reuse Assessment Guide", "The scope and level of detail of the reuse assessment should be site-specific and tailored to the complexity of the site, the extent of contamination... and the density of development in the vicinity of the site."

It should be noted here that there has been a tremendous increase in residential development on Maple St. (at the rear of the Shpack site). And an increase is also anticipated on Union Rd., once the town water main is extended.

"The Superfund land use Directive states that in cases where the future land use is relatively certain, the remedial action objective(s) generally should reflect this land use."

"Reuse assessments should have greatest applicability to sites with waste materials on the surface and/or contaminated soil."

"EPA is responsible for ensuring that reasonable assumptions regarding land use are considered in the selection of a response action."

Workshops were conducted with the Army Corps, and the committee appointed to represent the Town of Norton & City of Attleboro, to consider reuse scenarios for the property. The Project Manager for EPA attended these 5 meetings, and was aware of Norton's intentions for future use of the site. Still, there was no effort by EPA personnel to discuss with, or involve the community in "assumptions regarding land use" of the site.

It was only after EPA announced their preferred alternative, June 23, 2004 (at the 14th public meeting, 4+ years after the first public meeting), that Norton officials & citizens realized the Environmental Protection Agency was not factoring in to the selection of their "cleanup" plan - the community's intent for future use. EPA's plan – which includes fencing off & securing the site to restrict access, institutional controls & monitoring, with human health risk potential considered only for an adjacent resident and "trespassers", made it clear that EPA had totally ignored the Town's intended reuse of the site

(that being passive recreation, within the Norton Conservation Commission's Open Space Plan).

The Environmental Protection Agency's own standards for - "Selection of a Response Action" had been absent from the EPA process in the assessment of the Shpack Site. (A process, which in its most recent running with the public in Norton has taken 4 & 1/2 years).

Since December 1999, when representatives from EPA and the US Army Corps of Engineers came to Norton, to discuss renewed investigations at the site, and at 13 public meetings from February 2000 to November 2003, EPA gave the same presentation: The Army Corps would first excavate and dispose of (off-site) all the radiological waste (uranium & radium), then the EPA, working with the "Possible Responsible Party" (PRP) Group, under Superfund, would cleanup the remaining contaminants (chemicals & heavy metals).

We understood cleanup to mean "removal (excavation and off-site disposal) of all contaminated materials from the site that pose an unacceptable risk", not just the radiological waste, and some dioxin & PCB contaminated soil.

The EPA's preferred alternative does not accomplish this.

EPA's plan (after the Army Corps has removed the radiological waste), is to excavate only soil & sediment that is close to the surface in a certain wetland area (even though EPA admits "the waste extends to 15 feet below the water table in some wetland portions of the site"), to consolidate waste from the one wetland and leave it in an upland area on site. EPA plans to remove only the soil that is contaminated with dioxin or PCB for off-site disposal. The majority of the chemical & heavy metal contaminated soil (the responsibility of EPA & PRP Group), in addition to that transferred from the wetlands to a central on-site location, would be left in place, some portion of which would be covered over with a cap.

The only alternative acceptable to residents of the Town of Norton SC-3b would - "Remove all radiological and chemically contaminated materials from the site that pose an unacceptable risk. As a result, alternative SC-3 provides the greatest degree of overall protection." "Both chemical and radiological source materials exceeding cleanup levels would be permanently removed from the site, thereby ensuring that this remedy remains effective in the long-term." "SC-3 would greatly reduce the toxicity of the material that remains at the site to acceptable levels. Because all soil and sediment above cleanup levels will be removed from the property, both the volume and mobility of contamination is greatly eliminated".

EPA maintains that Norton's preferred alternative provides only "slightly greater protection at a significantly greater cost". We counter that the opposite is true.

The difference in cost (EPA's preferred alternative at \$30 million & Norton's selected remedy at \$50 million) is insignificant compared with the enormous disparity between the two plans. EPA's - "Capping Alternative" = Contain & Cover.
The community's chosen remedy = Removal.

Considering the most expensive alternative in the Feasibility Study, rings in at \$126 million, the plan chosen by the Town of Norton is a compromise, already meeting EPA & the PRP Group halfway. It is also not an unreasonable sum of money to expect for this project.

Along the way, we were reminded that the contract between the PRPs & EPA was for the investigative phase only, no design or construction of remedial measures, and that negotiations for the actual cleanup could take 1-2 years. Norton officials & citizens accepted this, expecting that the Environmental Protection Agency's "high standards" would require an extensive cleanup, at a fairly high cost to the responsible parties. Given the EPA's preferred alternative - actually the least expensive, easiest and quickest action, that could be reasonably considered, the PRP Group should jump at it. Nowhere in the EPA's list of criteria for approval of their cleanup plan, is - 'PRP Satisfaction'.

But it does appear that The Environmental Protection Agency is making PRP Satisfaction a top priority, and placing the Town of Norton in the totally unexpected and extremely difficult position of having to be the ones negotiating with the EPA, now at the eleventh hour.

The time frames, and impacts on the community, between the two alternatives being considered for the EPA/PRP construction phase of the cleanup, are not that different. "Both are easily implementable." "The personnel, equipment and materials required to implement each of these technologies are readily available". Impacts to air quality and to local roads can be managed by good construction practices and working with the community.

On this issue, we do request that EPA consult with Town Officials: the Board of Selectmen, Board of Health, Norton Police Department and Norton Fire & Rescue, with regard to truck routes and times of transport.

EPA's preferred alternative, which requires long-term monitoring of the still contaminated capped parcel - by the PRP Group, is unacceptable, and could result in a permanent financial and regulatory burden for the Town of Norton. While the town is given assurances that the PRP companies, entering into the consent agreement with EPA, are financially stable at that time, there is no guarantee that will still be the case "long-term".

Should those parties disappear from the corporate universe, or simply bail out on Shpack, the Town of Norton (with the longest standing on the PRP list - as owners of the property) could be left holding the bag. The other scenario, we are told could occur, is for the State to be left with the responsibility of Operation & Maintenance of the site.

It is irresponsible for the Environmental Protection Agency to maintain the Shpack Site can be secured with fencing. Even though it has been on the EPA's National Priority List of Superfund sites since 1986, the Consent Order was signed with the PRPs in 1990, and extensive investigative work was done on site by ERM (under contract with the PRP Group) in 1993, neither EPA nor the PRPs were monitoring the site for security, even though they knew the dangers posed to anyone who entered the property unprotected.

The old fence (put up in the 1980s) was busted through, the small green "No Trespassing" sign was falling down (and hardly threatening even in its better days), a small person could slip through the chain-connected gate, and the property could be entered from the ALI side. The Environmental protection Agency is fully aware of the unsafe, unsecured state the Shpack Superfund Site was left in, for a period of at least ten year - while supposedly on EPA's watch.

Beer cans, shot gun casings etc. provided evidence of trespassers onto the contaminated land, likely others curious about an old dump site ventured there as well, individuals who had no idea what lay beneath them.

Under the EPA's plan, the Human Health Risk was calculated based on the adjacent resident entering the property, and trespassers. The impacts on human health are dependent on many variables, including age of the person, which is impossible to determine with "trespassers", or even adjacent resident, as that person, or persons will undoubtedly change.

The 5- acre parcel of land, on which the Shpack residence sits, not including the house was valued at \$86,700 in the year 2000 (in spite of its location). Even if the house falls down, a family could build a new home there - not inconceivable down the road, particularly with town water being supplied under EPA's plan, and land at a premium in Norton.

The extension of the town water main to the end of Union Road, (Attleboro Line), also raises concerns over increased development in the residentially zoned area near the site, which will expose more residents to EPA's "accepted minimum risks" at Shpack. It will likely also bring an increased number of trespassers & vandals, thereby increasing exposures, as well as maintenance and policing costs. The burden of monitoring & ensuring security at the site will fall on the town. Additionally, and significantly - the Norton Fire Department could be called upon, should an emergency (fire, explosion, personal injury etc.) occur on the site.

Capped sites do present additional problems: with the buildup of gases beneath the liner, venting of gases - which creates air pollution & odors, maintaining the security and efficient operation of the systems, the noise associated with operations, as well as the threat of an explosion or fire.

The residents of this area have already endured the hardships & health hazards associated with the capping of ALI (Attleboro Landfill Inc.), which abuts the Shpack Site.

There is legitimate concern that flooding (particularly at this location, adjacent to Chartley Pond), erosion or other natural occurrences, as well as man made factors, will cause deterioration of the cap. Even if we could trust some entity, outside the town, to guarantee effective monitoring, operation & management of the site for 30 years, what happens after that? Will Norton still be stuck with a mess that needs to be cleaned up, at some unbearable cost to the town?

We did not invite or encourage this blight on our community. It is not our responsibility to clean up a mess we had no part in making. But it is our problem (a problem many of us feel has had serious consequences, and will continue to have – if not dealt with properly).

In response to the rationalization that “typically” all landfills are capped - The Shpack Site, if it is anything – It is not typical. In fact, although residential & industrial waste was disposed of there (in order to fill a wetland), the Shpack Superfund Site does not technically fit in the category of municipal landfills, and the standards and regulations applied to those licensed facilities (like the neighboring ALI), should not be assumed the rule for Shpack, which was in fact a privately owned & operated illegal dump.

Once the Shpack Site is properly cleaned up, we do expect a “cap” - that being a cover of clean soil and grass, to return the land to as near a natural state, as possible.

EPA’s scheduling of this critical part of the decision making process (the presentation of their cleanup plan, the public comment period and the public hearing) – from the end of June through August, is unfortunate. It was evident at the public meeting held June 23, 2004 in Norton (two days after school recessed), that attendance and interest had diminished. This can be partially attributed to formerly interested parties - being sick & tired of all things Shpack, or bored (after four years and thirteen public meetings - rehashing the same old stuff). The decline in attendance for the end of June meeting can also be attributed to summer vacations and other pleasant distractions, which occupy much of the public’s time.

The Environmental Protection Agency’s announcement of their proposed plan – June 23, 2004, and the timing of the comment period & public hearing, is such that - (intentionally, or not), the EPA & PRP Group can feel fairly confident that the number of commenters will be significantly lower, than at any other time of the year.

In Conclusion: The US Environmental Protection Agency's Proposed Plan For The Cleanup of the Shpack Superfund Site, 2004, their "Preferred Alternative SC-2b" (The Capping Alternative) – Is Unacceptable To The Town Of Norton Because:

It does not adequately address the community's planned reuse of the site.

It appears (contrary to the Environmental Protection Agency's own stated policy), this was not a consideration by EPA in the selection of their response action.

EPA's preferred alternative is not as effective in the long or the short term, as Norton's preferred alternative.

EPA's proposed plan does not provide a permanent solution.

The contaminants left on site pose an unacceptable level of residual risk.

EPA's preferred alternative leaves the Town of Norton with a still contaminated site.

The Town should not have to tolerate the stigma attached to a toxic waste Superfund Site any longer.

The EPA's proposed plan places an unfair burden on Norton's Police & Fire Departments.

It could also result in a permanent financial & regulatory burden on the Town.

The Norton Board of Health cannot support the EPA's preferred alternative, and strongly recommends implementation of cleanup alternative SC-3b (Ref. Letter July 8, 2004)

The Norton Board of Selectmen voted to support EPA's alternative SC-3b (July 14, 2004 meeting).

The EPA's Proposed Plan is not considered to be a "Remedy".

It is our position that Norton's Preferred Alternative, SC-3b is a fair compromise, at a realistic cost to EPA & the PRP Group. This alternative is easily implementable, with an acceptable time frame, to provide a reasonable and permanent solution - to the decades old problem of the Shpack Superfund Site.

Finally, we hope the US Environmental Protection Agency is sincere when it says **"YOUR OPINION COUNTS!"** "If you have comments regarding EPA's proposed cleanup plan for the site, we want to hear from you before making a final decision."

Heather A. Graf

Paul Farrington, PE. Chairman
Frederick J. Watson, RS Clerk
Robert Curry, Health Agent
Gary Covino, Health Agent
Phone: (508) 285-0263
Fax: (508) 285-0269
Norma Napoleone, RN, C
Public Health Nurse

TOWN OF NORTON

Commonwealth of Massachusetts

Board of Health

70 East Main Street Norton, MA 02766



July 8, 2004

Dave Lederer
U.S. EPA
1 Congress St, Suite 1100 (HBO)
Boston MA 02114

Re: Comments
Proposed Cleanup Plan
Shpack Landfill Superfund Site

Superfund Records Center

SITE: SHPACK
BREAK: 4.9
OTHER: _____

Dear Sir,

The Town of Norton Board of Health appreciates this opportunity to comment of the Proposed Cleanup Plan for the Shpack Landfill Superfund Site.

We cannot support any remediation alternative, which does not provide and overall protection of human health and the environment. We are in general agreement, following the Public Information Meeting, that the two alternatives deserving further consideration are SC-2 and SC-3 in their variations that provide protection to the Adjacent Resident without Groundwater Consumption. That is SC-2B, the EPA's preferred alternative and SC-3B.

Both of these alternatives include installation of a waterline to two residences adjacent to the Superfund Site. Recent history has shown that installation of a waterline in an area where development could occur has invited residential development. The Board will not allow residential potable water wells in the area of the Superfund Site. However, we cannot deny, nor can the Water Department, connection to a water main installed adjacent to a property. It has been noted that much of the open land along the waterline routes is conservation land. But, we believe any developable land will be developed following the waterline installation. We doubt that a restriction on connections would be enforceable and we have to agree with the Water Department policy of sizing pipe installations for fire protection and future looping. So, any waterline installed will have capacity for development.

We are concerned with the differences between the two alternatives in permanence of the solution and effectiveness in protecting the recreational or occasional user of the site. The least protective of the two alternatives, SC-2B, consolidates waste in a new landfill area, seals it off from normal activities and provides for monitoring and maintaining the new landfill. The Board presently maintains and monitors a closed landfill. It has been subject to trespass, vandalism and damage from natural causes. There is an ongoing concern that, at some time in the future, the Board will be required to meet some new regulation; deal with some previously undetected contaminant; or spend an inordinate sum dealing with bad laboratory data. These same ongoing maintenance costs and concerns would apply to a new landfill on the Shpack Superfund Site.

While EPA can argue that the cost of all future maintenance and monitoring of the Shpack Superfund Site will be the responsibility of the PRPs, we are concerned that the Town of Norton is a PRP. The Town is the PRP with the longest history and will be around after all the other PRPs disappear from the corporate universe. The Town cannot be sold off to another company and disperse its liability. Most importantly, should the Town be left holding the proverbial bag as the last PRP somewhere in the distant future or even as one or several PRPs at some point in time, the Commonwealth and Federal governments have control of funding to the Town that could be used to coerce simple maintenance requirement or compliance for with some future regulatory requirement.

The lack of permanence in the EPA's preferred alternative will result in a permanent financial and regulatory burden for the Town of Norton.



The Town of Norton Board of Health is concerned that the EPA's preferred alternative SC-2B is not as effective as the other alternative, SC-3B, in the long term or short term. While it could be argued that the new landfill on the Superfund Site in alternative SC-2B will result in better protection from the consolidated wastes and less risk than the existing condition, the alternative will bring more people to the area of the site as development occurs along the water line. More residents living closer to the site will increase the "recreational" use site and number of residents exposed to the EPA accepted minimal risks.

The increased development will also increase the number of potential trespassers and vandals entering what is supposed to be a secured landfill area thereby increasing exposures as well as maintenance costs. This is not a result that would be peculiar to Norton and we would expect that you have seen similar results in other locations where landfills have been consolidated in residential areas.

The Norton Board of Health cannot support the EPA's preferred alternative and strongly recommends implementation of cleanup alternative SC-3B - installation a water line and removal of all radiological and chemically contaminated materials that pose and unacceptable risk.

The Norton Board of Health understands that there are potential impacts to the community from the implementation of the preferred cleanup plan and possibly more significant impacts from the alternative we recommend. The impacts to air quality and to local roads by truck traffic can be managed by good construction practices and working with the community.

The air quality of the areas surrounding the Shpack Landfill Superfund Site will not be derogated by any cleanup activities on the site. Standard construction activities and strict monitoring can be specified and implemented to assure this. The Board of Health may require that monitoring reports be provided to the Board and may require specific monitoring during cleanup operations.

Spillage from trucks leaving the site will not be acceptable and the roads in the area of the Shpack Landfill Superfund Site are generally not in a condition to support long term truck operations. Again, standard construction activities and strict monitoring can be specified and implemented to assure that materials are not carried off the site onto local roads and that transported materials are not released from trucks. The Board recommends that rail transport using the nearby rail lines be considered and implemented if at all possible.

Activities at the Shpack Landfill Superfund Site and the adjacent Attleboro Landfill will require removal of materials and the import of cover materials. The Board recommends that rail transport using the nearby rail lines be considered and implemented if at all possible. If rail transport cannot be implemented and the existing road network must be used, the Board recommends that all parties involve, PRP, Corps of Engineers, Attleboro Landfill Inc., Mass DEP, EPA work to improve specific roadways to a standard that will support the level of traffic needed. The Board will work with local public safety officials the other Town boards to reduce the impacts of truck traffic on the Town of Norton and its residents during construction work at the Shpack Superfund Site.

Respectfully submitted.

Town of Norton Board of Health

Frederick J. Watson, R.S
Clerk

CC: Town Manager
Board of Selectmen
CAST
Congressman - Barney Frank



Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, Director

July 30, 2004

David O. Lederer
Remedial Project Manager
USEPA, Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Superfund Records Center

SITE: Shpack

BREAK: 4.9

OTHER: _____

RE: Shpack Landfill Superfund Site Remediation
Norton & Attleboro
NHESP File No. 03-11882

Dear David:

Thank you for providing the Natural Heritage & Endangered Species Program (NHESP) of the MA Division of Fisheries and Wildlife with the Draft Final Phase 1B Remedial Investigation Report for the Shpack Landfill Superfund Site (dated 6/17/04). The NHESP would like to offer the following comments.

As indicated in the Shpack Landfill Habitat Assessment, the remediation site provides actual habitat for the Spotted Turtle (*Clemmys guttata*), a state-protected rare species. In addition, the Marbled Salamander (*Ambystoma opacum*) has been documented to occur in the vicinity of the proposed project site, and the site contains potential habitat for this species. The Habitat Assessment also documents the presence of four vernal pools on the site. Vernal pools provide important habitat for the Spotted Turtle and Marbled Salamander, and amphibians occurring within vernal pools are a significant food source for the Spotted Turtle.

We request that any proposed remediation be designed to minimize impacts to the above-listed rare species and their habitats, including vernal pools. In addition, a plan should be developed to restore rare species habitats once the remediation is complete. The impact minimization and habitat restoration plan should be submitted to the NHESP for review and approval prior to start of work. Finally, if they haven't done so already, we also request that Environmental Resources Management submit Rare Animal Observation Forms and Vernal Pool Certification Forms to the NHESP, in order to document their observations reported in the Habitat Assessment.

If you have any questions about this letter, please call Jon Regosin, Ph.D. at (508) 792-7270, ext. 316.

Sincerely,

Thomas W. French, Ph.D.
Assistant Director

cc: David Buckley, DEP
Norton Conservation Commission
Attleboro Conservation Commission

SDMS DocID 000211331



www.masswildlife.org

Division of Fisheries and Wildlife

Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 792-7270 Fax (508) 792-7275

An Agency of the Department of Fisheries, Wildlife & Environmental Law Enforcement



TOWN OF NORTON

BOARD OF SELECTMEN

70 EAST MAIN STREET

MUNICIPAL CENTER, NORTON, MASS. 02766

TELEPHONE (508) 285-0210

Superfund Records Center

SITE: SHPACK

BILLAK: 4.9

OTHER: _____

POSITION PAPER FOR THE TOWN OF NORTON

Comments on the U.S. Environmental Protection Agency's Proposed Plan For Cleanup Of The Shpack Landfill Superfund Site, June 2004

On behalf of its 18,000 residents, the Town of Norton Board of Selectmen hereby submits its response to the EPA's *Proposed Plan For Cleanup Of The Shpack Landfill Superfund Site*, as presented at the June 23, 2004, public meeting.

The position of the Board and the citizens of the Town is clear. We are united and steadfast in our opposition to EPA's Preferred Alternative – SC-2b, which does not meet the needs of the community now or in the future. We are united and steadfast in our declaration that Alternative SC-3b is the only acceptable alternative for the Town of Norton.

OWNERSHIP/LAND USE

The Shpack property is owned by the Town of Norton, through its Conservation Commission, "for administration, control and maintenance as provided for in Section 8C of Chapter 40 of the Massachusetts General Laws" (see deed signed June 1, 1981, transfer of property from Lea Shpack). As such, the land is designated as Open Space.

The Ad Hoc Shpack Committee, appointed by the Board of Selectmen to work with the Army Corps of Engineers on reuse scenarios for the Shpack Site (July 2002 – January 2003), selected the reuse option of Passive Recreation, with the Army Corps' approval. Those decisions are consistent with the Norton Conservation Commission's statutory charge and underpin the Town's Alternative SC-3b position. The Environmental Protection Agency's Directive *Land Use in the CERCLA (Superfund) Remedy Selection Process* (5/25/95) states:

"The EPA believes that early community involvement, with a particular focus on the community's future uses of property should result in a more democratic decision-making process; greater community support for remedies selected as a result of this process; and more expedited, cost-effective cleanups."

SOMS DocID 000211332



Further, the Environmental Protection Agency's *Reuse Assessment Guide* states:

"The scope and level of detail of the reuse assessment should be site-specific and tailored to the complexity of the site, the extent of contamination ... and the density of development in the vicinity of the site."

"The Superfund land use Directive states that in cases where the future land use is relatively certain, the remedial action objective(s) generally should reflect this land use."

"EPA is responsible for ensuring that reasonable assumptions regarding land use are considered in the selection of a response action."

EPA's current plan, which includes fencing off and securing the site, institutional controls and monitoring, with human health risk potential considered only for an adjacent resident and trespassers, clearly ignores the Town's intended reuse of the site, that being Passive Recreation within the Norton Conservation Commission's Open Space Plan.

CLEAN UP

- Since December, 1999, when representatives from EPA and the U.S. Army Corps of Engineers came to Norton to discuss renewed investigations at the site, and at 13 public meetings from February, 2000, to November, 2003, EPA gave the same presentation. The Army Corps of Engineers would first excavate and dispose of off-site all the radiological waste, including uranium and radium, then the EPA, working with the "Possible Responsible Party" (PRP) Group, under Superfund, would clean up the remaining chemical and heavy metal contaminants.

We understood "clean up" to mean excavation and off-site disposal of all contaminated materials from the site that pose an unacceptable risk, not just the radiological waste, some dioxin and PCB contaminated soil.

The EPA's preferred alternative does not accomplish this.

After the Army Corps has removed the radiological waste, the EPA's plan is to excavate only soil and sediment that is close to the surface in a certain wetland area, even though the waste extends to 15 feet below the water table in some wetland portions of the site, to consolidate this waste, and leave it in an upland area on site. Outside of the wetland area, EPA plans to remove only the soil that is contaminated with dioxin or PCBs for off-site disposal. The majority of the chemical and heavy metal contaminated soil (the responsibility of the EPA and PRP Group), and the aforementioned wetlands excavation would be transferred to an on-site location and be capped.

The only alternative acceptable to the Town of Norton, SC-3b would:

“Remove all radiological and chemically contaminated materials from the site that pose an unacceptable risk. As a result, alternative SC-3 provides the greatest degree of overall protection.”

“Both chemical and radiological source materials exceeding cleanup levels would be permanently removed from the site, thereby ensuring that this remedy remains effective in the long term.”

“SC-3 would greatly reduce the toxicity of the material that remains at the site to acceptable levels. Because all soil and sediment above cleanup levels will be removed from the property, both the volume and mobility of contamination is greatly eliminated.”

EPA maintains that Norton's Preferred Alternative provides only “slightly greater protection at a significantly greater cost”. We counter that the opposite is true. The difference in cost is insignificant compared with the enormous disparity between the two plans. EPA's strategy is to contain and cover, the community's chosen remedy is removal.

EPA's Preferred Alternative cost is approximately \$29 million. The most expensive alternative considered under their Feasibility Study exceeds \$126 million. At \$55 million, the plan chosen by the Town of Norton is a compromise, already meeting EPA and the PRP Group halfway. It is not an unreasonable demand given the true magnitude of this problem.

The time frames and impacts on the community, between the two alternatives being considered for the EPA/PRP construction phase of the clean up, are not that different. “Both are easily implementable.” “The personnel, equipment, and materials required to implement each of these technologies are readily available.” Impacts to air quality and to local roads can be managed by good construction practices and working with the community.

POST CLEAN UP

EPA's Preferred Alternative, which requires long-term monitoring of the still contaminated, capped parcel by the PRP Group, is unacceptable and could result in a permanent financial and regulatory burden for the Town of Norton. While the Town is given assurances that the PRP companies entering into the Consent Agreement are now financially stable, there is no guarantee that will hold true in the future.

Should those parties disappear from the corporate universe or simply bail out on Shpack, the Town of Norton, with the longest standing on the PRP list as owner of the property, could be left holding the bag. It is also possible that the State would be left with the responsibility of operation and maintenance of the site.

It is naïve for the Environmental Protection Agency to believe that the Shpack Site can be secured with fencing. Over the last decade, neither EPA nor the PRPs have monitored the site for security, even though they knew the dangers posed to anyone who entered the property unprotected. Fences are broken, "no trespassing" signs are faded or have fallen, and beer cans, shot gun casings, etc., provide evidence of trespassers onto the contaminated land, likely others curious about an old dump site ventured there as well, individuals who had no idea what lay beneath them.

Under the EPA's plan, the Human Health Risk was calculated based on the adjacent resident entering the property and trespassers. The impacts on human health are dependent on many variables, including age of the person, which is impossible to determine with trespassers or the adjacent resident, as that person, or persons, will undoubtedly change.

- The extension of Norton's water main to the end of Union Road at the Attleboro city line raises concerns over new development in the residentially zoned area near the site, which will expose more residents to EPA's "accepted minimum risks" at Shpack. Redevelopment of the 5-acre parcel of land on which the Shpack residence is situated is also likely.

In response to the rationalization that "typically" all landfills are capped, the Shpack site, if it is anything, is not typical. In fact, although residential and industrial waste were disposed of there in order to fill a wetland, the Shpack Superfund Site does not technically fit in the category of municipal landfills, and the standards and regulations applied to those licensed facilities (like the neighboring Attleboro Landfill, Inc.) should not be assumed the rule for Shpack, which was in fact a privately owned and operated illegal dump.

Once the Shpack Site is properly cleaned up, we do expect a cap, that being a cover of clean soil and grass, to return the land to as near a natural state as possible.

PROCESS

EPA's scheduling of this critical part of the process (the presentation of its clean up plan, the public comment period, and the public hearing) from the end of June through August is unfortunate. Attendance at the public meeting of June 23, 2004, in Norton was very low compared to past meetings. The low turnout can be attributed to summertime vacations and other pleasant distractions which preoccupy much of the public. However, neither the EPA nor the PRP Group should underestimate Norton's resolve: We will exhaust all regulatory, political, and legal means possible to effect the SC-3b solution.

CONCLUSIONS

The U.S. Environmental Protection Agency's Proposed Plan For The Cleanup of the Shpack Superfund Site, 2004, its Preferred Alternative SC-2b (The Capping Alternative) is unacceptable to the Town of Norton because:

It does not adequately address the community's planned reuse of the site, now or in the future. It appears in fact that, contrary to the Agency's own stated policy, this was not a consideration in the selection of its response action.

EPA's Preferred Alternative is not as effective, in the long term or the short term, as Norton's Preferred Alternative.

EPA's proposed plan does not provide a permanent solution to our environmental concerns.

EPA's Preferred Alternative leaves the Town of Norton with a still contaminated site and a consequentially unacceptable level of residual risk.

The Town should not have to tolerate the stigma attached to a toxic waste Superfund Site any longer.

SC-2b results in a permanent financial and regulatory burden on the Town.

The EPA's Proposed Plan is not considered to be a "Remedy".

It is the Board of Selectmen's position that Norton's Preferred Alternative SC-3b is a fair compromise, at a realistic cost to EPA and the PRP Group, with an acceptable time frame that provides a reasonable solution to the decades-old problem of the Shpack Superfund Site.

Respectfully submitted,

NORTON BOARD OF SELECTMEN

Robert W. Kimball, Jr., Chairman

mtb

BARNEY FRANK
4TH DISTRICT, MASSACHUSETTS

2752 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2104
(202) 225-5931

29 CRAFTS STREET
SUITE 375
NEWTON, MA 02458
(617) 332-3920

Congress of the United States
House of Representatives
Washington, DC

558 PLEASANT STREET
ROOM 308
NEW BEDFORD, MA 02740
(508) 999-6462
THE JONES BUILDING
28 BROADWAY
SUITE 310
TAUNTON, MA 02780
(508) 822-4796

August 4, 2004

Robert W. Varney, Regional Administrator
Environmental Protection Agency
One Congress Street
Boston, MA 02114

Superfund Records Center

SITE: *SHPACK*

BREAK: *4/1/2*

OTHER: _____

Dear Mr. Varney:

I would like to submit the following comments conveying my strong support for the town of Norton and its preferred cleanup alternative known as SC-3B for the collection and removal of both chemical and radiological contaminants at the Shpack Superfund Site. As you are aware, the Shpack landfill has the distinction of being both a Superfund Site under the cleanup authority of the Environmental Protection Agency (EPA) and a Formerly Utilized Site Remedial Action Program (FUSRAP) site under the cleanup authority of the Army Corps of Engineers (ACOE). The final decision on a cleanup alternative has caused an understandable amount of worry for the citizens of Norton. They are not only concerned about the actual cleanup of Shpack, but the long term public safety and reuse potential of a fifty year old dump site that has soil contaminated with radiological, chemical and heavy metal wastes.

The legislation authorizing the radiological cleanup of Shpack through FUSRAP was originated by Congressman McGovern and me to ensure that a responsible and permanent remediation of harmful radioactive waste would occur. This authorizing legislation was passed by Congress in 2002 and the federal government, through the ACOE, is now responsible for a significant amount of the final clean up cost outlined in the EPA's proposed plan.

The ACOE recently agreed to work under the EPA's Record of Decision and is scheduled to commence work on the collection and removal of more than 13,000 cubic yards of radiological waste as early as 2005. The town of Norton has asked that the EPA oversee the removal of collected chemical waste to a level that would provide a true passive recreational use. However, the EPA's preferred alternative for cleanup, or SC-2B, provides only a limited removal of chemical material and would cap most contaminants on site. The subsequent fencing, monitoring, and trespass restrictions resulting from such an option would require a level of perpetual oversight that is both impractical and difficult, if not impossible, to enforce over a long period of time. Town officials have raised legitimate concerns that they might ultimately be responsible for this type of management.

SDMS DocID 000211333



August 4, 2004

Page 2

Obviously, the EPA has given significant consideration to the cost of each cleanup option in choosing a preferred alternative. The agency's preferred option is one of the least expensive. The town's request is not only the safest solution, but a financially sensible one that is comparatively reasonable when one looks at the variety and level of contamination on site. It is also far less expensive than other costly alternatives that were considered.

For more than four years, I have hosted and/or participated in many meetings with the EPA, ACOE, state officials, and local officials at various times to facilitate the lengthy process that has brought us to where we are today, i.e., making final decisions on cleanup proposals for use in a Record of Decision. The town, which has a voice in a final removal determination through the EPA's Community Acceptance component, should be protected through the best option under Superfund. No one person or agency can say with absolute certainty that with the passage of time the integrity of capped materials would not become compromised through a variety of potential degradations, natural or man made.

Again, the government is making a significant financial commitment to the FUSRAP portion of this project under a cleanup that involves the removal of collected radiological material. Also, the ACOE plans on removing more material than those options being considered by the EPA which should further reduce the costs associated with the chemical cleanup as commingled contaminants, chemical and radiological, are not only collected, but removed by the ACOE.

The citizens of Norton have every right to expect the EPA will oversee the collection and removal of the chemical and heavy metal wastes at the Shpack site with the cost shared among those companies already identified with the responsibility of its cleanup. Therefore, I urge EPA's approval of SC-3B to provide a comprehensive cleanup and removal of both chemical and radiological contaminants and afford the greatest level of protection possible to the people and their surrounding environment.

Sincerely,

BARNEY FRANK
Member of Congress



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

MICHAEL J. COPPOLA

FIRST BRISTOL DISTRICT
P.O. BOX 346
FOXBOROUGH MA 02035
(508) 543 3138

STATE HOUSE, ROOM 542
(617) 722-2488

Rep.MichaelCoppola@hou.state.ma.us

Superfund Records Center

SITE: SHPACK

BREAK: 4.1 Committees:

OTHER: _____ Energy

Taxation
Housing and Urban Development
Public Safety

LEGISLATIVE AIDE
LAUREN BARNES

July 30, 2004

Mr. David Lederer
U.S. Environmental Protection Agency
One Congress Street, Suite 1100 (HBO)
Boston, MA 02114

RE: Shpack Landfill Superfund Site, Norton, MA

Dear Mr. Lederer:

We write in response to the U.S. Environmental Protection Agency's (EPA) proposal to clean up the contamination of the Shpack Landfill Superfund site in the Town of Norton.

After reading information about the various cleanup alternatives, as well as attending public meetings on this issue, we strongly oppose the EPA's proposal known as option SC-2B, at an estimated cost of \$30 million. We believe option SC-3B is a better, more permanent solution to rid the landfill, and the surrounding residential area, of hazardous pollutants, at an estimated cost of \$55 million.

To spend \$30 million on a partial clean-up (option SC-2B) is money poorly spent and requires long-term monitoring and a perpetual restriction on access. However, option SC-3B is a complete clean-up of contaminants and a total and permanent restoration of the former landfill, requiring minimal monitoring and no access restrictions.

The wishes of the Town of Norton for the future use of the property - passive recreation - have been totally ignored. An additional issue of great concern is the possibility, at some time in the future, that the Town of Norton and the Commonwealth of Massachusetts could be held responsible for the operation, monitoring and

SDMS DocID 000211334



Mr. David Lederer
July 30, 2004
Page 2

maintenance of the site. The possibility of these costs, at some point in the future, would far surpass the SC-3B option.

Our position, as legislators for the Town of Norton, is clear. We stand united with the Citizens Advisory Shpack Team in our opposition to the EPA's "Preferred Alternative SC-2B.

We truly hope you will take the concerns of the town and its residents into consideration and choose option SC-3B as the preferred clean-up plan for the Shpack Landfill Superfund site.

Thank you for your attention to this important matter.

Very truly yours,

MICHAEL COPPOLA
State Representative

ELIZABETH A. POIRIER
State Representative

PHILIP TRAVIS
State Representative

Mr. Dave Lederer
U.S.E.P.A.
1 Congress St. Suite 1100 (HBO)
Boston, MA 02114

Superfund Records Center

SITE: Shpack

ESNAK: J. J.

CURT:

Re: Shpack Landfill Superfund Site - Formal Comment on the proposed RI/FS

Dear Mr. Lederer,

As a concerned citizen of Attleboro, MA, I am writing to **support EPA's proposed plan** to remediate the Shpack Landfill Superfund site using the EPA proposed clean up scenario (SC-2B). I believe this provides the necessary protection for the environment, the town and the citizens who live there. In fact I believe the risk of a total material removal (option SC-3B, C or D) would in fact result in a higher risk to town citizens because of the required additional excavation activities and material transport issue through the town.

Thank you for allowing me the opportunity to provide you with formal comments regarding the Shpack Landfill RI/FS proposal.

Sincerely,

Lisa M Tommasello
850 West St
Attleboro MA

SDMS DocID 000211335



Mr. Dave Lederer
U.S.E.P.A.
1 Congress St. Suite 1100 (HBO)
Boston, MA 02114

Superfund Records Center
SITE: SHPACK
BREAK: 4
OTHER: _____

Re: Shpack Landfill Superfund Site – Formal Comment on the proposed RI/FS

Dear Mr. Lederer,

As a concerned citizen of Norton, MA, I am writing to **support EPA's proposed plan** to remediate the Shpack Landfill Superfund site using the EPA proposed clean up scenario (SC-2B). I believe this provides the necessary protection for the environment, the town and the citizens who live there. In fact I believe the risk of a total material removal (option SC-3B, C or D) would in fact result in a higher risk to town citizens because of the required additional excavation activities and material transport issue through the town.

Thank you for allowing me the opportunity to provide you with formal comments regarding the Shpack Landfill RI/FS proposal.

Sincerely,

1 7 1
12 CRESTWOOD DR.
NORTON, MA.

SOMS DocID 000211336



Leanne & Stevens Cobb
166 Plain Street
Norton, MA 02766

Superfund Records Center
SHE: SHPACK
BREAK: 4.2
OTHER: _____

MR. Dave Lederer
U.S.E.P.A.
1 Congress St. Suite 1100 (HBO)
Boston, MA 02114

Re: Shpack Landfill Superfund Site – Formal Comment on the proposed RI/FS

Dear Mr. Lederer,

“Think globally, act locally”. Important words to environmentally concerned organizations. As a concerned citizen of Norton, MA, I too live by these words but I use them in a much different context than most other “environmentalists” would. I am writing in **SUPPORT of EPA’s proposed plan** to remediate the Shpack Landfill Superfund site using the proposed SC-2B clean up scenario.

I interpret this saying **“think globally, act locally”** to mean that: global environmental problems must be addressed, and to accomplish that goal, they should be addressed by whatever means are available at a local level. In the case of the Shpack landfill, removing the radioactive waste and constructing a suitable “engineered landfill cap” with long term monitoring provisions, meets that need.

It would appear to me that exposure (therefore risk) is at it’s lowest by leaving the material where it is! If it is excavated as proposed by alternative SC-3A, B, C and D there is a possibility for exposure during excavation activities. It then must be transported through our town (more exposure possibilities), and transported hundreds (maybe even thousands) of additional miles, with many opportunities for exposing more citizens of the country during that activity. Finally, the material would be placed in another landfill (exposing workers and potentially any community surrounding that landfill) and covered with an “engineered landfill cap”. The additional opportunities for exposure do not make sense AND the material will be protected exactly the same (and therefore apparently result in the same risk) at this proposed, remote, final disposal location, as it would be if it were left in the ground at the Shpack landfill. Again, **“think globally, act locally”**.

The companies that PAID to have that waste disposed of at Shpack in a completely lawful manner 30 to 40 years ago, did nothing wrong. The town benefited by having a local, low cost landfill for disposal of its trash. And in its early life, the landfill was actually on the tax rolls of the town as a privately owned landfill, which benefited the town. Times change. Science now tells us this is not the optimum way to dispose of these types of waste. The total material removal scenario (SC -3A, B, C and D), I suspect,

SDMS DocID 000211337



would encounter opposition at the remote landfill site from a local 'Concerned Citizens' group near that landfill, BUT that group has no voice in the Shpack clean up process. They will be concerned about their increased risk from this new waste being brought to their Town by the removal and again does nothing to support the **"think globally, act locally"** philosophy. The other proposed alternatives do nothing to support this philosophy, either.

Thank you for allowing me the opportunity to provide you with formal comments regarding the Shpack Landfill RI/FS proposal.

Sincerely,

Leanne E.S. Cobb

Stevens L. Cobb



July 7, 2004

Mr. Dave Lederer
U.S.E.P.A.
1 Congress St. Suite 1100 (HBO)
Boston, MA 02114 - 2023

Superfund Records Center

SITE: SHPACK

BRIEF: 7.7

OTHER: _____

Re: Shpack Landfill Superfund Site – Formal Comment on the proposed RI/FS

Dear Mr. Lederer,

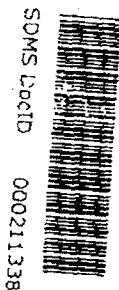
As a recipient of a "Potentially Interested Party" letter regarding the Shpack Landfill clean up proposals, Teknor Apex would like to respond to the recently published RI/FS. Teknor Apex Company is writing in **support of EPA's proposed plan** to remediate the Shpack Landfill using proposed clean up scenario (SC-2B). This proposal reduces risk to acceptable levels for all reasonable foreseeable uses. Additionally, given the fact that the proposal to cap the former landfill site is in agreement with past EPA decisions regarding landfill clean ups, continuing that methodology makes sense from all points of view.

Thank you for the opportunity to provide you with formal comments regarding the Shpack Landfill RI/FS proposal.

Sincerely,
^

David F. Yopak *U*
Director of Regulatory Affairs

cc: file



Mr. Dave Lederer
U.S.E.P.A.
1 Congress St. Suite 1100 (HBO)
Boston, MA 02114

Superfund Records Center
SITE: SHPACK
BREAK: 4.7
OTHER: _____

Re: Shpack Landfill Superfund Site – Formal Comment on the proposed RI/FS

Dear Mr. Lederer,

As a concerned citizen of Attleboro, MA, I am writing to **support EPA's proposed plan** to remediate the Shpack Landfill Superfund site using the EPA proposed clean up scenario (SC-2B). I believe this provides the necessary protection for the environment, the town and the citizens who live there. In fact I believe the risk of a total material removal (option SC-3B, C or D) would in fact result in a higher risk to town citizens because of the required additional excavation activities and material transport issue through the town.

Thank you for allowing me the opportunity to provide you with formal comments regarding the Shpack Landfill RI/FS proposal.

Sincerely,

*29 Mitchell Terrace
Attleboro, MA 02703*

SDMS DocID 000211339



Mr. Dave Lederer
U.S.E.P.A.
1 Congress St. Suite 1100 (HBO)
Boston, MA 02114

Superfund Records Center

SITE: SHPACK

BREAK: 4.9

OTHER: _____

Re: Shpack Landfill Superfund Site – Formal Comment on the proposed RI/FS

Dear Mr. Lederer,

As a concerned citizen of Attleboro, MA, I am writing to **support EPA's proposed plan** to remediate the Shpack Landfill Superfund site using the EPA proposed clean up scenario (SC-2B). I believe this provides the necessary protection for the environment, the town and the citizens who live there. In fact I believe the risk of a total material removal (option SC-3B, C or D) would in fact result in a higher risk to town citizens because of the required additional excavation activities and material transport issue through the town.

Thank you for allowing me the opportunity to provide you with formal comments regarding the Shpack Landfill RI/FS proposal.

Sincerely,

7 Kimberly Court
Attleboro, Ma 02703

SDMS DocID 000211340





michart@onebox.com

08/10/2004 09:41 PM

To: Dave Lederer/R1/USEPA/US

cc:

cc:

Subject: Shpack Comments

Superfund Records Center

DATE: 8/10/04

BREAK: 9.7

OTHER:

I live at 13 Shelly Road in Norton and would like to offer my comments about the Shpack cleanup.

How are area residents protected if you remove the contaminated soils? For example, in the removal process, how are procedures in place so that disturbed particles of soil do not get distributed in our area while in transit?

Is the water supply beyond the site affected now, and will it be affected during the cleanup? How can we feel confident as patrons of the businesses around the site, ie. the Chartley Store, the Creamery, the Rainbow Kids Day Care? I have to admit that I am hesitant to shop at those businesses and decided not to put my daughter into the Rainbow Day Care because I was concerned about their water.

I support 23B because of the statement that it is the "most effective".

Michelle

SDMS DocID 000211341



Comments to The US EPA on the June 2004 Proposed Plan For the Cleanup of
The Shpack Superfund Site, Norton/Attleboro, MA

To Dave Lederer

U.S. EPA

One Congress St., Suite 1100 (HBO)

Boston, MA 02114

Deadline - Postmarked By Wednesday, August 25, 2004

FAX (617) 918 - 1291, No Later Than Wednesday, August 25, 2004

Superfund Records Center

SITE: SHPACK

BREAK: 4.3

OTHER: _____

August 2004

I am writing to express my firm opposition to the EPA's proposed plan for the 'cleanup' of the Shpack Superfund Site.

EPA's preferred alternative (SC-2b) is unacceptable for reasons too numerous to detail here. Most objectionable is the fact this option does not provide "permanence" and is therefore not a "remedy". It would leave the Town of Norton with a still contaminated site, and the responsibility & burdens of dealing with it, in the near and distant future.

In the face of the promise the Environmental Protection Agency made to the town, EPA's chosen course of action, is reprehensible.

If community acceptance, plays any role in the EPA's decision making process for the cleanup of Shpack, please give serious consideration to these comments, and select Alternative SC-3b, which will at long last, give residents of this community the peace of mind they deserve.

Signature [Signature]

Print Name ROSEMARIE HOYLE

Address 47 PINE ST

NORTON, MA 02766

SDMS DocID 000211342



Comments to The US EPA on the June 2004 Proposed Plan For the Cleanup of
The Shpack Superfund Site, Norton/Attleboro, MA

To Dave Lederer

U.S. EPA

One Congress St., Suite 1100 (HBO)

Boston, MA 02114

Deadline - Postmarked By Wednesday, August 25, 2004

FAX (617) 918 - 1291, No Later Than Wednesday, August 25, 2004

Superfund Records Center

SITE: SHPACK

BREAK: 4.7

OTHER: _____

August 2004

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Signature _____

Print Name _____

Address _____

WAYNE A. GRAF

229 N. WORCESTER ST.

NORTON, MA 02766

SDMS DocID 000211343



Comments to The US EPA on the June 2004 Proposed Plan For the Cleanup of
The Shpack Superfund Site, Norton/Attleboro, MA

To Dave Lederer

U.S. EPA

One Congress St., Suite 1100 (HBO)

Boston, MA 02114

Deadline - Postmarked By Wednesday, August 25, 2004

FAX (617) 918 - 1291, No Later Than Wednesday, August 25, 2004

Superfund Records Center

SITE: SHPACK

BREAK: 4.7

OTHER: _____

August 2004

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Signature _____

Print Name _____

STEVEN J. ARCAUTI

Address _____

12 BOWDITCH RD

BOSTON

MA

02130

SDMS DocID 000211344



Superfund Records Center

SITE: SHPACKComments to The US EPA on the June 2004 Proposed Plan For the Cleanup of
The Shpack Superfund Site, Norton/Attleboro, MABREAK: 1.3

OTHER: _____

To Dave Lederer

U.S. EPA

One Congress St., Suite 1100 (HBO)

Boston, MA 02114

Deadline - Postmarked By Wednesday, August 25, 2004

FAX (617) 918 -- 1291, No Later Than Wednesday, August 25, 2004

August 2004

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Signature _____

Print Name James A. HarrodAddress 10 Blueberry LaneSharon, MA 02067

SDMS DocID 000211345



Comments to The US EPA on the June 2004 Proposed Plan For ~~Shpack~~ Cleanup of Records Center
The Shpack Superfund Site, Norton/Attleboro, MA

SITE: SHPACK
BREAK: 9.7
OTHER: _____

To Dave Lederer

U.S. EPA

One Congress St., Suite 1100 (HBO)

Boston, MA 02114

Deadline - Postmarked By Wednesday, August 25, 2004

FAX (617) 918 - 1291, No Later Than Wednesday, August 25, 2004

August 2004

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Signature [Signature]

Print Name Kathleen A. Rodrigues

Address 67 Hummingbird Ln

Swanton, MA 02777

SDMS DocID 000211346



Comments to The US EPA on the June 2004 Proposed Plan For the Cleanup of
The Shpack Superfund Site, Norton/Attleboro, MA

Superfund Records Center

SITE: SHPACKBREAK: 4.7

OTHER: _____

To Dave Lederer

U.S. EPA

One Congress St., Suite 1100 (HBO)

Boston, MA 02114

Deadline - Postmarked By Wednesday, August 25, 2004

FAX (617) 918 - 1291, No Later Than Wednesday, August 25, 2004

August 2004

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Signature _____

Print Name _____

Address _____

67 Hummingbird Ln
SwansA MA 02777

SDMS DocID 000211347



Superfund Records Center

Comments to The US EPA on the June 2004 Proposed Plan For the Cleanup of
The Shpack Superfund Site, Norton/Attleboro, MA

SITE: ShpackBREAK: 7.7OTHER:

To Dave Lederer

U.S. EPA

One Congress St., Suite 1100 (HBO)

Boston, MA 02114

Deadline - Postmarked By Wednesday, August 25, 2004

FAX (617) 918 - 1291, No Later Than Wednesday, August 25, 2004

August 2004

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If community acceptance, plays any role in the EPA's decision making process for the cleanup of Shpack, please give serious consideration to these comments, and select Alternative SC-3b, which will at long last, give residents of this community the peace of mind they deserve.

SignaturePrint Name Donald G. & Judith A. RaffertyAddress PO Box 224Block Island, RI 02807

SDMS DocID 000211348



Comments to The US EPA on the June 2004 Proposed Plan For the ~~Cleanup~~ ^{Superfund} Records Center
The Shpack Superfund Site, Norton/Attleboro, MA

To Dave Lederer

U.S. EPA

One Congress St., Suite 1100 (HBO)

Boston, MA 02114

Deadline - Postmarked By Wednesday, August 25, 2004

FAX (617) 918 - 1291, No Later Than Wednesday, August 25, 2004

SITE: SHPACK
BREAK: 4.5
OTHER: _____

August 2004

I am writing to express my firm opposition to the EPA's proposed plan for the 'cleanup' of the Shpack Superfund Site.

EPA's preferred alternative (SC-2b) is unacceptable for reasons too numerous to detail here. Most objectionable is the fact this option does not provide "permanence" and is therefore not a "remedy". It would leave the Town of Norton with a still contaminated site, and the responsibility & burdens of dealing with it, in the near and distant future.

In the face of the promise the Environmental Protection Agency made to the town, EPA's chosen course of action, is reprehensible.

If community acceptance, plays any role in the EPA's decision making process for the cleanup of Shpack, please give serious consideration to these comments, and select Alternative SC-3b, which will at long last, give residents of this community the peace of mind they deserve.

Signature _____

Print Name _____

Address _____

10 Tipping Place
Norton Ma 02766

SDMS DocID 000211349



Comments to The US EPA on the June 2004 Proposed Plan For the Cleanup of
The Shpack Superfund Site, Norton/Attleboro, MA Superfund 1

Superfund Records Center

To Dave Lederer
U.S. EPA
One Congress St., Suite 1100 (HBO)
Boston, MA 02114

SITE: SHACK
BREAK: 4.9
OTHER:

Deadline - Postmarked By Wednesday, August 25, 2004
FAX (617) 918 - 1291, No Later Than Wednesday, August 25, 2004

August 2004

I am writing to express my firm opposition to the EPA's proposed plan for the 'cleanup' of the Shpack Superfund Site.

EPA's preferred alternative (SC-2b) is unacceptable for reasons too numerous to detail here. Most objectionable is the fact this option does not provide "permanence" and is therefore not a "remedy". It would leave the Town of Norton with a still contaminated site, and the responsibility & burdens of dealing with it, in the near and distant future.

In the face of the promise the Environmental Protection Agency made to the town, EPA's chosen course of action, is reprehensible.

If community acceptance, plays any role in the EPA's decision making process for the cleanup of Shipack, please give serious consideration to these comments, and select Alternative SC-3b, which will at long last, give residents of this community the peace of mind they deserve.

Signature

Print Name John J. Wilcott

Address 45 MAPLE ST.

Norton #4 02766

SDMS DocID 000211350



Comments to The US EPA on the June 2004 Proposed Plan For the Cleanup of
The Shpack Superfund Site, Norton/Attleboro, MA

To Dave Lederer
U.S. EPA
One Congress St., Suite 1100 (HBO)
Boston, MA 02114

Deadline - Postmarked By Wednesday, August 25, 2004
FAX (617) 918 - 1291, No Later Than Wednesday, August 25, 2004

Superfund Records Center

SITE: SHPACK

BREAK: 4. j

OTHER: _____

August 2004

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If community acceptance, plays any role in the EPA's decision making process for the cleanup of Shpack, please give serious consideration to these comments, and select Alternative SC-3b, which will at long last, give residents of this community the peace of mind they deserve.

^c
Signature _____

Print Name

Tom + Kari Canning

Address

64 Maple St.

Norton, MA 02766

SDMS DocID 000211351



Comments to The US EPA on the June 2004 Proposed Plan For the Cleanup of
The Shpack Superfund Site, Norton/Attleboro, MA

To Dave Lederer
U.S. EPA
One Congress St., Suite 1100 (HBO)
Boston, MA 02114
Deadline - Postmarked By Wednesday, August 25, 2004
FAX (617) 918 - 1291, No Later Than Wednesday, August 25, 2004

Superfund Records Center
SITE: SHPACK
BREAK: 4.7
OTHER: _____

August 2004

I am writing to express my firm opposition to the EPA's proposed plan for the 'cleanup' of the Shpack Superfund Site.

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If community acceptance, plays any role in the EPA's decision making process for the cleanup of Shpack, please give serious consideration to these comments, and select Alternative SC-3b, which will at long last, give residents of this community the peace of mind they deserve.

Signature _____

Print Name _____

NANCY M WEBBER

Address _____

34 Richardson Ave

NORTON, MA 02766

SDMS DocID 000211352



Comments to The US EPA on the June 2004 Proposed Plan For the Cleanup of
The Shpack Superfund Site, Norton/Attleboro, MA

To Dave Lederer

U.S. EPA

One Congress St., Suite 1100 (HBO)

Boston, MA 02114

Deadline - Postmarked By Wednesday, August 25, 2004

FAX (617) 918 - 1291, No Later Than Wednesday, August 25, 2004

Superfund Records Center

SITE: 241 F-21

BREAK: 4.9

OTHER: _____

August 2004

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In the face of the promise the Environmental Protection Agency made to the town, EPA's chosen course of action, is reprehensible.

If community acceptance, plays any role in the EPA's decision making process for the cleanup of Shpack, please give serious consideration to these comments, and select Alternative SC-3b, which will at long last, give residents of this community the peace of mind they deserve

Signature

Print Name

JAMES R PAILLE

Address

73 CROSS ST

NORTON, MA 02766

SDMS DocID 00021353



Comments to The US EPA on the June 2004 Proposed Plan For the Cleanup of
The Shpack Superfund Site, Norton/Attleboro, MA

To Dave Lederer 8-1325
U.S. EPA
One Congress St., Suite 1100 (HBO)
Boston, MA 02114

Superfund Records Center
SITE: HBO SHPACK
BREAK: 4.7
OTHER:

Deadline - Postmarked By Wednesday, August 25, 2004
FAX (617) 918 - 1291, No Later Than Wednesday, August 25, 2004

August 2004

I am writing to express my firm opposition to the EPA's proposed plan for the 'cleanup' of the Shpack Superfund Site.

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Signature _____

Print Name

Alice H. Paille

Address

73 Cross St.

Norton, MA 02766

SDMS DocID 000211354





CONSERVATION COMMISSION
70 EAST MAIN STREET
NORTON, MA 02766-2320
(508) 285-0275
Fax (508) 285-0277

Site: SHPACK
Break: 4.9
Other: _____

from DocuLink

August 10, 2004

David Lederer
US EPA
One Congress Street, Suite 1100 (HBO)
Boston MA 02114

Dear Mr. Lederer,

The Conservation Commission has reviewed the "Draft Final Feasibility Study, Shpack Superfund Site, Norton/Attleboro MA" as well as the "Draft Final Phase 1B Remedial Investigation Report" dated June 17, 2004 prepared by ERM, the Shpack Steering Committee's consultant. The Conservation Commission voted at its regular meeting of August 9, 2004 to strongly support the option SC-3B for the clean up of the Shpack. Any option less than SC-3B will not result in an acceptable clean up level. Option SC-3B allows the Town of Norton to utilize the property for passive recreation after the clean up while the SC-2 options do not. Option SC-3B also allows for a full restoration of the spotted turtle (Special Concern on the Massachusetts Endangered Species List) habitat and vernal pools while the SC-2B options are highly likely to result in a "taking" of rare species habitat.

During the recent investigations, it has been documented that the Attleboro landfill (ALI) is not functioning properly and contaminants from ALI are entering the Shpack site. The Town of Norton is not confident that the proposed capping in the SC-2 option will result in an acceptable level of clean up. The necessary repairs to the ALI cap must be immediately addressed and adequately to cease to pollute the Norton site. The ALI site ceased in being a "separate issue" with the acknowledgement of ALI's contamination of the Shpack site. The Town of Norton will not accept a capping solution when the adjacent cap has failed and there has not been sufficient action to repair it. Option SC-3B will be the only option for the Town of Norton.

The SC-2 options list an Operation and Maintenance (O & M) component. It is unclear whom the responsible party for the O & M will be. The feasibility study does not give the Town of Norton any assurances that the Shpack O & M will be better implemented than the ALI O & M. It is unclear whom will be responsible for funding the O & M. It will be

SDMS DocID 000212007



fiscally irresponsible to approve a plan that requires the Town of Norton to maintain a parcel of land that cannot be utilized for public uses. Option SC-3B eliminates the need for future maintenance of a capped site and is the only suitable option for the town.

In reviewing the Feasibility Study it is clear that several items do not include adequate detailed information. These items must be required in the Record of Decision. The Conservation Commission respectfully requests that the following items be included as requirements in the Record of Decision.

1. The vernal pool and spotted turtle habitat appear to be grossly overlooked in the feasibility reports despite conversations regarding the potential negative impacts the clean up actions could have on the ability of the wetland and buffer zone to provide such habitat. The rare species survey should specifically focus on the spotted turtle, potential for the vernal pools to provide significant wildlife habitat for the spotted turtle and marbled salamander and should evaluate the habitat for any other rare species that may be found on the Shpack site. The Rare Animal Observation Forms and the Vernal Pool Certification Forms for all vernal pools should be completed and submitted to the Mass Natural Heritage and Endangered Species Program (NHESP) as requested by NHESP in their letter of July 30, 2004 (enclosed). The Conservation Commission should be involved in all evaluations and any Conservation Permit applications required by NHESP.
2. The wetland replication and restoration must comply with the Wetland Protection Act Regulations 310CMR10.55 and 310CMR10.59. The wetland replication/restoration must include at a minimum, detailed plans illustrating all existing and proposed contour elevations; soil profiles for imported soils; a construction schedule; a planting plan including the number, size and species of all plants; groundwater elevations; description of the replicated wetland functions and values; physical features that replicate the vernal pool habitat and rare species habitat functions of the existing wetlands including coarse woody debris, snags and pit and mound topography; and a 5-year monitoring plan. The Record of Decision must specifically state that the wetland replication/restoration should commence in the first growing season of the construction activity and should not be left as the last aspect of the clean up or the Town of Norton should receive a cash bond to ensure that the wetland replication/restoration will actually be accomplished according to the Regulations. The Conservation Commission should be consulted for the appropriateness of the proposed replication/restoration projects, have the opportunity to provide comments on the plans and have the ability to conduct site inspections.
3. Options for dewatering the wetland areas must be evaluated. The Conservation Commission should be consulted and be able to provide comments for all options of dewatering.
4. A transportation and emergency spill contingency plan must be required in the Record of Decision. All materials proposed for removal to off-site facilities will be transported past Chartley Swamp, Chartley Pond and over the recently renovated

Chartley Pond Dam. The plan, at a minimum, must map the transportation routes, identify all wetland resource areas along the transportation routes, list the emergency spill materials to be stored on each truck in the event of a spill, a contact phone list in the event of a spill, and available funds for the immediate purchase of materials necessary to deal with a spill. The Conservation Commission should be able to provide comments on any such plan.

5. Any proposal to extend a water line down Union Road must file the appropriate permit applications under the Wetland Protection Act and Regulations. The Conservation Commission feels that the extension of the water line would require a separate permit under the Wetland Protection Act and the Record of Decision should specifically require a Notice of Intent be filed with the Conservation Commission for this portion of the proposed Shpack clean up. The water line extension must include at a minimum, detailed plans of the water line, elevations and inverts, all wetland resource areas, dewatering methods and the options for installing the water line at the railroad crossing.
6. The ALI cap must be repaired.
7. The Conservation Commission manages the Shpack property for passive recreation and wildlife habitat uses consistent with the Conservation Commission Act, MGL. Chapter 40, Section 8C. Therefore, the Conservation Commission should be consulted on the deed restriction language. The Shpack Future Use Committee should also be consulted and be able to provide comments.
8. A plan should be created to prevent access of motorized vehicles onto the Shpack site. Motorized vehicle use is not consistent with the Conservation Commission Act and must be addressed in the future use plan.

The Conservation Commission reiterates their desire for Option SC-3b as the most appropriate clean up option for the Shpack Superfund site. If you have any questions please do not hesitate to contact me. Thank you.

Sincerely,

Jennifer Carlino
Conservation Agent

CC: Congressman Barney Frank
Senator Jo Ann Sprague

Representative Coppola
Representative Poirier
Representative Travis
Heather Graf, CAST
James P. Purcell, Norton Town Manager
Tom French, MA NHESP
Ken Munney, US F& W
David Buckley, MA DEP
Ed Tanner, Attleboro Conservation Commission
Francis Veale, Texas Instruments

Jonathan O'Reilly
29 Union Road
Norton, Massachusetts 02766

Suite:	SHPACK
Area:	49
Owner:	

August 24, 2004

Dave Lederer
U.S. EPA
One Congress Street
Suite 1100 (HBO)
Boston, MA 02114

I am writing to express my firm opposition to the EPA's proposed plan for the 'clean-up' of the Shpack Superfund site.

EPA's preferred alternative (SC-2b) is unacceptable for reasons too numerous to detail here. Most objectionable is the fact this option does not provide "permanence" and is therefore not a "remedy." It would leave the Town of Norton with a still contaminated site, and the responsibility and burdens of dealing with it, in the near and distant future. In the face of the promise the Environmental Protection Agency made to the town, EPA's chosen course of action, is reprehensible.

If community acceptance plays any role in the EPA's decision making process for the clean-up of Schpack, please give serious consideration to these comments and select Alternative SC-3b, which will at long last, give residents of this community the peace of mind they deserve.

Yours truly,

SDMS DocID 000213802



NORTON FIRE RESCUE

CHIEF
GEORGE F. BURGESS



August 24, 2004

Mr. David Lederer
United States EPA
One Congress St., Suite 1100 (HBO)
Boston, MA 02114

RE: Comment on Shpack Superfund Site

The site on Union Road is referred to as a landfill, but it must be remembered that it is really a dump in that there was no regulatory oversight. It operated as a pre-regulation dump where known and unknown waste was dumped randomly and obviously commingled.

Over the years the fire department responded to and extinguished fires of various types including rubbish and brush. It was not known during those years of operation, or subsequent years, what was handled there. When our personnel were working fires on the site (or anywhere else for that matter) they were coming in contact with solid materials, dust, products of smoke, etc. They have inhaled, ingested, and absorbed the results of this activity. From the start of the operation of the site until and after its closing, Norton firefighters have had and/or died from various types of cancer. Obviously we have no way of knowing for sure what was the cause or contributing factor in those cancers. The point is we did not know.

The proposed remedy by your agency, alternative SC-2b, is to remove some types of contaminants and stockpile others. A cap would be installed and monitored. In future years visitors, trespassers, and the fire department will not be aware of any hazard, and certainly will not know if the cap has deteriorated, or functioning properly. Ground water contamination will not, and really cannot, be detected until contamination occurs. Future generations will not know, just as the fire department did not know of any hazards.

The towns preferred plan of action, alternative 3b, would serve the future generations of residents in a permanent way. I see little benefit short term, and no permanent benefit as release and/or contamination is possible by "condensing" contaminated material on site. The fire department officially supports the board of selectmen and the advisory committee in selecting alternative 3b.



August 24, 2004
Mr. David Lederer
Page 2 of 2

The town had no regulatory authority in the beginning of the use of the site, and is really involved by taking over the site in response to the contamination found more than twenty years ago. To now put the town in a position to have to live with contamination on site and possible future health and financial risks is unnecessary.

Thank you for the opportunity to comment on this issue.

Yours truly,

Richard J. Gomes
Deputy Fire Chief

Copy: Advisory Committee
File

NORTON FIRE RESCUE

CHIEF
GEORGE F. BURGESS



2/19/01
4.9
Dated

Dave Lederer
U.S. E.P.A.
One Congress St., Suite 1100 (HBO)
Boston, MA 02114

August 24, 2004

Dear Mr. Lederer,

I am writing this letter to express my strong opposition to the proposed cleanup plan for the Shpack super fund site. I have attended many a classroom session as well as many committee meetings as a representative of the Norton Fire/Rescue Department. While I realize there is a time and place for "capping" of material, the Shpack site is not one of them. If you are already excavating the material, there is no legitimate justification for not removing the material from the site. I say legitimate, because the added cost to do this job "right" when factored over future generations is not a justifiable factor. The E.P.A.'s proposal to use Alternative SC-2b should be abandoned for **Alternative SC-3b**. This true "long term" cleanup proposal, will provide the Town with the minimal level of cleanup that will guarantee that future generations need not "re-visit" the Shpack site.

As a member of the Ad Hoc advisory committee appointed by the Selectman, we discussed many different "use" scenarios. We discussed at many of the sessions, the scenario referred to as the "residential farmer scenario". We decided not to push for this scenario because of the huge cost and logistics in making it happen. It was a "Major" concession on the Town's part. **Alternative SC-3b** is the best alternative for all parties involved. It prevents the need for future concerns on the PRP's part as well as the Town's part.

For the record, I have spent most of my life growing up in Chartley and own a considerable piece of property in the Chartley section of Town. I want to see my future generations be able to enjoy the Chartley pond area without fear of health risks associated with contaminants "capped" in place. I hope you will do what is right for the future generations of this Town and scrap Alternative SC-2b for, at the minimum, **Alternative SC-3b**. While this level of cleanup doesn't truly restore the property to its "pristine" state, or allow the use of water from on site, it does offer a truly permanent solution.

Sincerely,

Paul J. Schleicher
Lieutenant



Janet O'Reilly
29 Union Road
Norton, Massachusetts 02766

Signature:	<i>[Signature]</i>
Date:	8/2
Other:	

August 24, 2004

Dave Lederer
U.S. EPA
One Congress Street
Suite 1100 (HBO)
Boston, MA 02114

I am writing to express my firm opposition to the EPA's proposed plan for the 'clean-up' of the Shpack Superfund site.

EPA's preferred alternative (SC-2b) is unacceptable for reasons too numerous to detail here. Most objectionable is the fact this option does not provide "permanence" and is therefore not a "remedy." It would leave the Town of Norton with a still contaminated site, and the responsibility and burdens of dealing with it, in the near and distant future. In the face of the promise the Environmental Protection Agency made to the town, EPA's chosen course of action, is reprehensible.

If community acceptance plays any role in the EPA's decision making process for the clean-up of Schpack, please give serious consideration to these comments and select Alternative SC-3b, which will at long last, give residents of this community the peace of mind they deserve.

Yours truly,

[Signature]

SDMS DocID 000213805



NORTON FIRE RESCUE

CHIEF
GEORGE F. BURGESS



Dave Lederer
U.S. E.P.A.
One Congress St., Suite 1100 (HBO)
Boston, MA 02114

August 24, 2004

SH SHPACK
4.9

Dear Mr. Lederer,

I am writing this letter not just as the Town of Norton's Fire Chief throughout this whole Shpack affair, but also as a life long resident of Chartley. I am totally opposed to the E.P.A.'s proposed plan to handle the cleanup of the Shpack property. To think that you, as a government agency, would even think of just "sweeping the contaminants under the carpet" as a long term solution to an ongoing nightmare is ludicrous at best. The E.P.A.'s preferred alternative (SC-2b) is not a permanent solution to the problems at the Shpack superfund site.

The minimum proposal that should be considered for the site is Alternative SC-3b, which will give a level of cleanup that the Town can feel comfortable with for generations to come. Even at this level of cleanup, the site is still not back to "virgin territory". The Town has made concessions in not going for the "residential farmer" scenario which would cost over twice what SC-3b will cost. When you look at the cost difference between the E.P.A.'s proposed plan and the plan acceptable to the Town, the cost difference, when amortized over time, is minimal at best.

I want to go on record as being strongly opposed to the plan SC-2b and hope that you will do what is right and just for the Town of Norton in cleaning the site to the SC-3b alternative.

Sincerely,

George F. Burgess
Chief

SDMS DocID 000213806





NORTON POLICE DEPARTMENT

82 EAST MAIN STREET
NORTON, MASSACHUSETTS 02766

BRUCE R. FINCH, JR.
CHIEF OF POLICE

ADMINISTRATIVE (508) 285-3300
ADMINISTRATIVE FAX (508) 285-3337
PATROL FAX (508) 285-3338
DETECTIVE FAX (508) 285-3339

TO: DAVE LEDERER
FROM: LIEUTENANT STANLEY J. WALASAVAGE
DATE: 08/20/2004
RE: SHPACK SUPERFUND SITE

SHPACK
4.9

Dear Mr. Lederer,

The Norton Massachusetts Police Department recently became aware of clean up work to be done at the Shpack Superfund Site located on Union Road in Norton. This clean up and future security of the property is apparently different than what had been originally proposed. Please be advised that this agency is small in size, numbering approximately 27 officers. As you can imagine, we are constantly under pressure to stay within budget restrictions. Officers do routinely patrol the area of the clean up but because of the remote location and lack of calls into the area, this area may not have the number of officers patrolling as would other high crime areas. If this department becomes burdened with having to patrol and maintain a security presence at the site, we would quickly deplete our budget and in all likelihood not be able to provide officers. I am still unclear on how the clean up will affect public safety, but assuredly the Police Department would become over-burdened and under-funded if asked to maintain a police presence.

Respectfully Submitted.

↓

Lt. Stanley J. Walasavage
Norton Police Department

SDMS DocID 000213807



Town of Norton

Emergency Management Agency

22 August 2004

David Lederer,
US EPA
One Congress Street, Suite 1100 (HBO)
Boston, MA 02114

Shpack
4.9

Comments on the US EPA's "Proposed Plan For Cleanup of the Shpack Superfund Site,
June 2004

These comments are to express my firm opposition to EPA's plan for the 'cleanup' of the Shpack Superfund Site.

The Boston College Weston Observatory, analysis of earthquakes that occurred between 1989 and 1998, there is a "66%" chance that the next earthquake of magnitude 2.7 or greater will occur in one of the shaded zones shown on the map that was released after the study. Norton lies within a shaded zone in southeastern Massachusetts. This area of New England has been classified a "red" zone for possible serious earthquake for many years. While the fault line may be deep - no one can predict when one will occur. Thus, in the interest of safety all the mixed up waste of radiological contaminants and carcinogenic chemical wastes, volatile and inorganic compounds, as well as the heavy metals must be removed from this illegal dumpsite.

Staying with Alternative SC-3b of the "Feasibility Study" for the Shpack Site will ensure that when the earthquake does occur Norton will not have to be concerned of the impact of an otherwise contaminated site.

EPA's preferred alternative (SC-2b) is unacceptable for other reasons to numerous to detail here. The fact this option does not provide "permanence" and cannot be a "remedy" can cause other problems than the earthquake alone. SC-2b would leave the Town of Norton with a still contaminated site and the financial and physical burdens and responsibility of dealing with it. Remembering the promise the Environmental Protection Agency made to the Town, EPA's chosen course of action, is culpable.

If community acceptance, plays any role in the EPA's decision making process for the cleanup of Shpack, please give serious thought to these comments, and select *Alternative SC-3b*, which will finally, give the residents of this community the peace of mind they merit

Respectfully,

Howard B Baker,
Director, NEMA
258 Plain Street
Norton, MA 02766
508.285.4454

SDMS DocID 000213808



8/16/04

Please add this to Comments
received from the Town of Norton -
on EPA's Proposed Plan for
the cleanup of the Shpack
Superfund Site.

William Guveia is a
long time resident of Norton
and former Selectman.

Sent in courtesy of
Heather Graf's office.



Norton Mirror 8/13/04
Editorial

Plan sweeps it all under the bed

When I was a kid, my mother would send my brother and me upstairs to clean our room. This was not our favorite activity.

We would go up and perform our own version of "cleaning." Primarily, this involved shoving as much stuff under our beds as we could fit.

When we were done, the room looked pretty good. The floor would be free of clutter, no dirty laundry would be visible, and unless my mother took the time to actually bend down and look under the bed (which unfortunately she often did) it appeared we had done our job and solved the problem.

Little did the two of us know then that our actions might well be preparing us for a glorious career in the EPA (Environ-

AN INSIDE LOOK

BILL GOUVEIA



mental Protection Agency.) Apparently the people charged with protecting our environment, and through that our health and safety, also grew up shoving stuff under the bed.

How else can you explain the EPA's proposal for cleaning up Norton's Superfund site, the Shpack property near the Attleboro landfill? The EPA has proposed to mitigate the problem of hazardous material located on the Norton site by pretty much sweeping the stuff under the bed and leaving it there. And they propose to spend about \$20 million to do it.

The Shpack property is a parcel of land adjoining the Attleboro Landfill off Union Road near the Attleboro border. It was contaminated with radioactive materials in the 1950's, dumped there by a company that eventually became Texas Instruments.

Norton took ownership of the site in the early 1980's in hopes of removing obstacles to the cleanup of the property and getting it on the national Superfund list. The property was placed on the Superfund list in 1986.

Since that time, the wheels of bureaucracy have been grinding in agonizingly slow motion. There have been studies, tests, hearings, proposals and reports. It has been more than 20 years of slow progress, federal foot-dragging, and extreme patience by local residents and abutters.

After all that, the EPA has suggested the life-threatening materials buried on the property merely be covered up. Greatly simplified, they want to cap the materials and throw a nice cover over it. If their proposal is adopted and instituted, the Shpack property will look beautiful upon completion. You would never know there was a problem there.

Sort of like how my room looked clean when my mother would poke her head in. But Mom didn't let us get away with that. She knew that, sooner or later, that stuff we shoved under the bed would be a problem. She knew that just because it couldn't be seen and couldn't be smelled today, after a while things would change.

"You're just making more work for yourselves when you do this," she would lecture to us patiently. "You might as well do it right the first time and save yourselves a lot of time and trouble."

Mom was right back then, and Norton's federal, state and local officials — along with a wonderful group of concerned citizens — are right today. Like Mom, they don't want the stuff under the bed — or in this case under the ground — to come back and cause Norton problems in the future. They know the only way to solve the problem is to do the clean up right.

The EPA should immediately abandon their proposal to simply sweep contaminants on the Shpack site under the bed and lull us into a false sense of security. It is their job to solve the problem, not merely cover it up. While the cost in dollars to do this may be double the cost of merely hiding it, the cost in quality of life for Norton citizens could be considerably higher should they not.

In the meantime, I believe the mothers of these EPA officials should come testify at the next public hearing. I want to know just what it looks like under their beds, and how comfortably they sleep at night.

Bill Gouveia is a columnist for the Norton Mirror. He can be reached at AnInsideLook@aol.com.

August 25, 2004

5 Goldenwood Dr.
Norton, MA 02766

Dave Lederer
U.S. EPA
1 Congress St., Suite 1100 (HBO)
Boston, MA 02114

RE: Shpack Landfill Superfund Site, Norton, MA

Dear Mr. Lederer,

After carefully reviewing the Feasibility Study performed in regards to the Shpack Landfill, along with the EPA's Proposed Plan and our attendance at the town meeting held on August 4, 2004, we are writing to express opposition to the EPA's proposed plan SC-2B. Although this plan does remove the radiological contaminants along with dioxin and PCB contaminated sediment, the remainder of the chemicals will be left on site under a cap. While the cap would be impermeable, groundwater may still come into contact with contaminants. Due to the close proximity of many Norton residents, this is concerning. The worry about safety may result in a diminished interest to live in the area which will result in hardship on the town. Additionally, it would not be a permanent long term fix. Based on the utilization of caps at other landfills, it seems that the longevity of caps is questionable. We feel that the EPA's plan which includes the ongoing monitoring of the groundwater proves that this is true.

We support the alternative plan SC-3B as it proposes to remove radiological and chemical waste, thereby providing a permanent solution. A permanent solution is needed to ensure the safety of current and future residents.

The EPA states in the Proposed Plan that both plans are easily implementable and technologies for both plans are readily available. Although a cap may be cost beneficial at this time, a cost will remain for water and site monitoring. In the long run we believe that the benefits of a complete site clean up under SC-3B greatly outweighs the potential savings of plan SC-2B.

Respectfully Yours,

Charles and Katie Magri



Ronald O'Reilly
29 Union Road
Norton, Massachusetts 02766

August 24, 2004

U.S. EPA
Mr. Dave Lederer
1 Congress Street, Suite 1100 (HBO)
Boston, MA 02114

Dear Sirs:

I am writing to express my opposition to the Environmental Protection Agency's (EPA) "Proposed Plan" (The Plan) for the clean-up of the Shpack Landfill Superfund Site (SLSS) in Norton, Massachusetts. EPA proposes a limited clean-up and capping of the SLSS identified as alternative SC-2B.

Judicial Intent:

EPA is using criteria for the SLSS clean-up that apply to landfills. This approach is a procedural error and is contrary to judicial intent when Title 42, Chapter 82 was passed by Congress. The Shpack Dump operated for over twenty-five (25) years. The Shpack site was operated as an unregulated dump and was never in compliance with the regulations promulgated under Title 42, Chapter 82, Sub-chapter IV, Section 6945.

The legislative intent to treat landfills and dumps differently is obvious in the way the legislation was written. Title 42, Chapter 82, Sub-chapter IV, Section 6944 prescribes the criteria for sanitary landfills. Section 6945 of the aforementioned promulgates the criteria for closing open dumps. Section 6945 differentiates dumps from landfills. The judicial intent is that landfills and dumps are different and requires that they be treated differently.

EPA's approach to the clean-up of SLSS is an erroneous attempt to treat a dump as though it is a landfill which is contrary to the judicial intent of Title 42, Chapter 82, Sub-chapter IV, Sections 6944 and 6945.

DEP's Inability to Enforce Its Regulations:

EPA's proposed limited clean-up of the site is based on the erroneous assumption that the engineering and execution of the work will be performed flawlessly. The history of the adjacent Attleboro Landfill, Inc. (ALI) shows these assumptions to be based on fiction. ALI was capped beginning in 1996. Eight years later, the Massachusetts Department of Environmental Protection (DEP) is attempting to correct the work that has taken place under its supervision. The capping of ALI is an example of the inability of regulatory agencies such as DEP and EPA to control such a complex engineering feat.

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August 24, 2004
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The capping plan for ALI was approved by DEP two years after capping commenced. During the capping, there was an explosion and fire that burned over an acre of the membrane. DEP, The Norton and Attleboro Fire Departments were not aware of the explosion and fire until I notified them a week after it happened. I waited a week to see if DEP would notice the incident during DEP's scheduled weekly visits. DEP either failed to visit the site weekly or missed a one-acre hole in the membrane.

After the capping was completed, DEP became aware that the slopes were too steep to prevent erosion. The slopes were too close to the street to control water run off and the applicant failed to post the required bond to insure the site would be properly maintained.

All of the aforementioned deficiencies occurred while the capping was being closely monitored by DEP or were missed in DEP's review of the capping plan. The personnel ranks of DEP have been drastically reduced over the past five years. DEP is currently staffed to respond to emergencies only. The department does not have sufficient, qualified and experienced staff to monitor the capping and continue to inspect the cap in the future. More importantly, the failure of DEP to enforce its regulations at ALI is proof that the DEP is not competent to perform the same task at SLSS.

The serious deficiencies of the ALI capping are not a matter of conjecture. Plans are currently being prepared to reopen the ALI cap to correct the aforementioned deficiencies. DEP is negotiating with a third party to allow the site to be reopened as a landfill. The revenue from the reopened ALI would be used to remove the existing cap, reduce the slopes, install a water collection system, recap the entire site and purchase a bond to finance maintenance of the new cap and the monitoring wells.

Additional evidence of the inadequate capping of ALI is EPA's acknowledgment that run-off from ALI is continuing to contaminate SLSS.

There is no reason to assume that the capping of SLSS will be any more successful than the capping of the adjacent ALI. DEP has less staff now than it did during the ALI capping. To avoid a recurrence of the debacle at ALI, EPA should select alternative SC-3B as the preferred clean-up under The Plan.

Fencing of the Site:

The Department of Energy (DOE) erected a fence around SLSS in the early 1980's. When the Army Corp of Engineers (ACE) began fieldwork in 2000, the fence was broken open in several places. There was much evidence of trespassing on the site. This was a site known to be a nuclear and hazardous waste dump.

The fence had been allowed to fall into disrepair despite DOE, EPA and DEP having knowledge of the nuclear and hazardous waste at the site. The site is relatively small and out of the way. Much of the site is not visible from the road. Currently, the vegetation has overgrown the fence to such an extent that a trespasser inside the fence cannot be seen from the street.

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In the future, trespassers will not have to be concerned about the nuclear waste and under EPA's proposed clean-up; the hazardous waste will be contained under a cap. Trespassers will be able to enter from the rear by accessing the highly traveled high tension wire right of way.

A fence will restrict wildlife that passes through the area including deer, coyotes, fox, waterfowl, large snapper turtles and an endangered species, the spotted turtle, which have been observed around the Chartley Swamp. The failure of the fencing in the past will be repeated. The present fence is so overgrown it can be easily scaled and the vegetation shields trespassers. This condition exists after only two years since the last cutting of vegetation from this fence.

The need for a fence would be obviated by EPA selecting alternative 3C-3B under The Plan

Massachusetts Electric Right of Way:

SLSS is bordered on one side by a Massachusetts Electric Right of Way. This right of way is used like a bike path, but it is used by ATV's, motor bikes, snow mobiles and trail bikes. The right of way runs for miles in both directions. It is accessible from many area roads in North Attleboro, Attleboro, Norton, Rehoboth and Seekonk, to name only a few towns. The long distance that can be traveled along this right of way makes it a popular trail for these vehicles particularly at night and on weekends.

These vehicles used SLSS as a meeting place when the old fence deteriorated. No warning signs on the fence were visible because of the over-growth of vegetation. Hunters chased deer into the opening in the fence. A deer carcass was found at SLSS when ACE began to survey the site in 2000.

The varied unauthorized uses of this site have been underestimated by EPA. There is no reason to believe this site will be able to be secured in the future as would be required under the EPA proposed limited clean-up and capping under alternative SC-2B.

The use of alternative SC-3B under The Plan would eliminate this problem.

Cap/Jump Ramp

As noted above, the site is along a highly traveled right of way for off-road vehicles. The cap will be the ultimate challenge for these off-road vehicles that are always looking for a new ramp to jump. The location of the ramp will be posted on Internet chat sites and will be a gathering point for large numbers of these vehicles because of its easy access.

In time, the cap will be damaged and the material disbursed over SLSS. These vehicles will easily pull the fence down from the back side and will not be visible from the road due to the overgrown vegetation.

EPA has failed to consider unauthorized use of the SLSS by off-road vehicles even though the failure of the fence erected by DOE is well known and documented.

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The use of alternative SC-3B under The Plan would eliminate the reason for these vehicles to use the site for jumps.

Future Maintenance of the Site:

Under EPA's proposed, limited clean-up, alternative SC-2B, there will be significant future maintenance costs. The most significant costs in addition to monitoring wells will be maintenance of the cap and the fence in perpetuity.

The cost of this maintenance cannot be quantified with any reasonable certainty. Experience at many such sites has shown the estimates of the engineers to be substantially below actual costs shortly after completion of the capping.

The future maintenance costs can be substantially reduced by eliminating the need for a fence and cap using alternative SC-3B. This approach would remove much of the uncertainty in estimating future maintenance costs.

It is unreasonable to believe that the maintenance costs can be estimated for a site in perpetuity. In the future, it is likely that EPA and DEP will shift these costs to the Town of Norton. In forty or fifty years, it will be the taxpayers of Norton who will be required to shoulder this burden. There is no reason for this to happen and it can be avoided by selecting alternative SC-3B.

Norton Water Supply:

The SLSS is surrounded by the Chartley Swamp which drains to Chartley Pond. The outflow of Chartley Pond eventually flows to the Taunton River.

The Town of Norton has signed a contract with a firm which proposes to construct a desalinization plant on the Taunton River to supply water to the Town of Norton and the City of Brockton. This firm is actively soliciting other communities to purchase drinking water produced at the proposed water treatment plant on the Taunton River.

EPA's proposed limited clean-up of SLSS has not considered the effect of a future chemical release into Chartley Swamp on the drinking water of the communities that will be processed from the Taunton River.

The preferred alternative, SC-3B, would remove SLSS as a potential source of contamination of the drinking water for a number of communities in southeastern Massachusetts.

Incidents of Cancer:

There are numerous instances of cancer in residents of the immediate area of SLSS which have not been adequately considered or the causes identified.

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In the two house nearest SLSS, all four residents died of cancer in the late 1970's to mid-1980. The brother of one of these families lived further down Union Road. Both that brother and his wife died of cancer in the late 1970's. Two unrelated residents of Union Road were stricken with stomach cancer, a statistically unlikely event unless caused by the environment. Both were long-time residents of Union Road. In 2002, two long-time residents of the area died of pancreatic cancer within a few months of one another. A physician advised me that this was a statistical impossibility unless there was an environmental cause.

In June 2003, numerous former residents attended a public meeting to hopefully learn the cause of their or a relative's cancer. Residents of Sturdy Street in the 1950's to 1970's reported extremely high incidences of cancer in their families. The same was true of long-time residents of Maple Street. Two former residents of Maple Street told of multiple incidents of cancer among their siblings in their 20's and 30's.

Although no definitive cause of these incidences of cancer in the area has yet been identified, it is unreasonable to deny that a causal relationship exists and the environment appears to be the cause.

EPA's proposed limited clean-up would leave the hazardous chemicals known to cause cancer at SLSS. The preferred alternative SC-3B would remove these cancer causing chemicals from the area and eliminate this potential risk for future generations.

ALI Run-Off:

EPA and ACE acknowledge that currently ALI is a continuing source of contamination at SLSS. EPA's proposed limited clean-up of SLSS will allow ALI to avoid liability as to the future source of contamination at SLSS.

In the future, ALI will claim that contamination at SLSS is caused by the material left on site under EPA's proposed clean-up under SC-2B. Using alternative SC-3B would remove hazardous chemicals from the site. Future contamination could then be traced back to its likely source, ALI.

Prospective Responsible Parties:

Texas Instruments (TI) is the leader of the Steering Committee for the Prospective Responsible Parties (PRP). This position contrasts with TI's reluctance to step forward in 1978 when a young college student discovered the presence of nuclear material in the vicinity of SLSS and ALI. The student attempted to report his discovery to Attleboro City officials who refused to investigate his findings. The local newspaper carried articles ridiculing his findings. He became the problem—not his discovery of a dangerous nuclear waste dump.

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No one from TI stepped forward to investigate the possible discovery of nuclear material at SLSS even though TI had a Nuclear Materials Division that produced such material. TI must have known that one thousand (1,000) pounds of enriched uranium pellets used to fuel nuclear submarines had been missing for more than twenty-five years. DOE was also a party to hiding the fact that 1,000 pounds of enriched uranium pellets were missing for 25 years in the Attleboro area.

TI's silence and inactivity at the time the young student was being ridiculed for making such a preposterous find indicates that TI expected the problem to "go away" quietly and at no cost.

Today, as the leader of the PRP Steering Committee, TI is still trying to minimize the company's financial exposure, an understandable position for a publicly traded corporation. The financial difference to TI would be the cost differential between alternatives SC-2B and SC-3B. The difference is estimated to be \$30,000,000 to be shared by the PRP's in proportion to their contribution to the problem. TI earned over \$1,100,000,000 in 2003. The total cost differential to TI alone is insignificant and even less when allocated among all the PRP's.

EPA has the responsibility to consider input from local officials and residents of the Town of Norton and the effect on the environment today and in the future. The cost of the proposed clean-up alternative should not be the determining factor in the selection process.

The preferred clean-up alternative under The Plan is SC-3B.

Citizen Input:

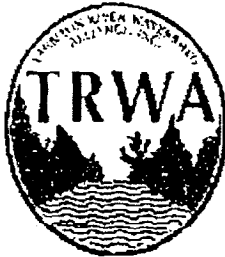
For the past four-and-one-half years, EPA has held a number of public meetings in Norton to explain the status of the SLSS studies. ACE requested that the Town of Norton form a technical committee of Norton residents to provide input for the future use of SLSS.

EPA has chosen to ignore all input from the technical committee and every official of the Town who has expressed an opinion on the preferred clean-up alternative. The Town of Norton officials and citizens have stated on the record that alternative SC-3B is the preferred alternative under The Plan. EPA has chosen to ignore the input of residents; officials of the Town of Norton and the Town's state and federal representatives.

The aforementioned are significant reasons that EPA should consider in selecting the alternative clean-up method under The Plan. The only logical clean-up for SLSS is the Plan alternative SC-3B.

Yours truly,

Ronald O'Reilly

**Taunton River Watershed Alliance, Inc.**

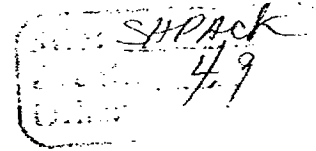
PO Box 146 Bridgewater, MA 02324

Telephone (508) 697-5700

Internet: <http://tauntonriver.tripod.com>E-mail: trwa@adelphia.net

August 23, 2004

Mr. Dave Lederer
U.S. E.P.A.
1 Congress Street, Suite 1100 (HBO)
Boston, MA 02114



Subject: Comments on Proposed Cleanup Plan
Shpack Site
Norton, MA

Dear Mr. Lederer:

The Taunton River Watershed Alliance (TRWA) is providing comments on the Proposed Cleanup Plan for the Shpack Superfund Site located on the border between the Town of Norton and the City of Attleboro, MA.

The TRWA is a non-profit alliance of concerned individuals, businesses and organizations who are dedicated to protecting and restoring the Taunton River watershed--its tributaries, wetlands, floodplains, river and lake corridors and wildlife. The Taunton River watershed drains water for all or part of 38 communities in southeastern Massachusetts, providing the essential sponge for drinking water aquifers, flood storage areas, and habitat for wildlife in this part of the State. The Taunton River is currently being studied for inclusion into the National Park Service, National Wild and Scenic Rivers Program (www.TauntonRiver.org). It is considered by many to be one of the most ecologically diverse water bodies in the Commonwealth.

Chartley Swamp in the western part of the watershed feeds the Wading River which drains into the Three Mile River, a primary tributary to the Taunton River. Chartley Swamp has been impacted with dangerous toxic chemicals and radioactive water from many years of illegal dumping at the Shpack site. Based upon EPA's own risk assessments, contaminated sediments in Chartley Swamp currently present an "unacceptable risk to wildlife" and contaminants in groundwater present a carcinogenic risk of exposure to humans via drinking water consumption. It is apparent to this organization that the only complete way to prevent fully risk of harm from contaminants at the site is the permanent elimination of contamination that exceeds cleanup levels at the Shpack site. That scenario is provided only in Cleanup Alternative SC-3B.

Therefore TRWA strongly supports Cleanup Plan SC-3B as the only real plan that would lead to the achievement of a Permanent Solution and provide protection and preservation of resources in this portion of the Taunton River watershed. We thank you for consideration of our concerns.

Sincerely,

✓ Joseph Callahan
TRWA Board of Directors

CF: Cathy Kuchinski, TRWA President
Robert W. Davis, TRWA Director of Advocacy

SDMS DocID 000213812



Wednesday, 25-Aug-2004

Mr. Dave Lederer
U.S. Environmental Protection Agency
1 Congress Street, Suite 1100 (HBO)
Boston, MA 02114

SHPACK
4.9

Dear Mr. Lederer,

I am writing this letter to express my concern and dismay regarding the EPA's proposal for applying Alternative SC-2B as the preferred cleanup alternative for the Shpack FUSRAP/Superfund site in Norton, MA.

As a member of the Ad Hoc Shpack Technical Committee, I was closely involved with the Committee's endorsement/recommendation for the Passive Recreation, Adjacent Resident without Groundwater Consumption, most closely mimicked as Alternative SC-3B in the EPA's proposal. As a Committee, we worked in good faith given the information provided by Cabrera Engineering Services, the Army Corps of Engineers, and the EPA. We carefully weighed all of the various concerns for public safety, worker safety, future community liability, and yes, even cost. We did not opt for something as restrictive as a resident farmer scenario or neighborhood daycare center. We concluded it inappropriate to apply the concept of "not a single atom shall remain", and made a concerted effort to balance costs in terms of monetary expenditure, ecological impact, and worker safety with the benefits of acceptable dose risk, and felt the resident farmer scenario was not a practical consideration. I hesitate to use the word, but yes, we "compromised" in our decision making process. We weighed all of the costs and benefits, and put forth our best and most logical recommendation for a cleanup alternative that we felt was appropriate and acceptable. Again, we worked in good faith to arrive at our proposal, and recommended it to the Town of Norton, the Army Corps of Engineers, and the USEPA. We feel that anything short of Alternative SC-3B violates our "good faith" approach, and negates the diligent efforts of the Ad Hoc Committee.

From a technical standpoint, I feel the SC-2B proposal falls short in the long-term. Several examples were raised at the 04-Aug-2004 Town Meeting regarding the responsibility and liability for future monitoring efforts. By its very nature, the deliberate onsite "disposal" of some of the material would require greater levels of monitoring effort out into the future. Although Alternative SC-3B would not be devoid of future monitoring concerns, the fact that less material would remain onsite would help diminish the need for monitoring. Certainly, the monitoring efforts could be scaled back accordingly under the SC-3B Alternative. All of these arguments can be also made for the case of controlling personnel access. Taking on the burden of perimeter fence upkeep and trespasser control into the foreseeable future under SC-2B just doesn't make sense in comparison to SC-3B, where such controls and upkeep would be unnecessary. The actual monetary cost for additional monitoring and upkeep under Proposed Alternative SC-2B could actually exceed the total cost associated with Alternative SC-3B.

Also from a technical foundation, I would question the rationale for choosing to leave additional contaminants onsite, as proposed in SC-2B. Although the proposed grade and cap barrier pictured in the EPA Handout employs all of the sound engineering features designed to isolate wastes, the presence of left-behind wastes under this cap raises the potential consequences of any future failure or breach of this barrier. Although it is widely recognized that radionuclides such as

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K.J. Sejkora to EPA: Shpack Cleanup Alternative

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uranium, thorium, and radium, and to a certain extent heavy metals, are relatively immobile once they are bound to soil, adequate consideration has not been given to the other factors that could impact future isolation of the contaminants. Organic acids resulting from the breakdown of organic materials may increase the mobility of these contaminants. The RESRAD computer models used to assess the dose impacts from the various treatment alternatives most likely assumed default soil transfer coefficients and leachability characteristics. As such, the potential impact for higher-than-expected contaminant mobility as modified by organic decay products may not have been addressed. While this argument could be made for both Alternatives SC-2B and SC-3B, the ramifications of such an oversight are greatly diminished under Alternative SC-3B, because less material and contaminants will remain onsite.

Again, I wish to express my concern and dismay regarding the EPA's endorsement of cleanup Alternative SC-2B. Adequate technical justification has not been put forth to elevate it above the SC-3B Alternative recommended by the Ad Hoc Technical Committee, based on the reasons stated above. I therefore respectfully request that the U.S. Environmental Protection Agency reconsider their proposal, and adopt and implement Alternative SC-3B.

Sincerely,



Kenneth J. Sejkora, Ph.D.
Health Physicist/Radiological Environmental Specialist
136 Pine Street
Norton, MA 02766

Cc: Heather Graf, Ad Hoc Shpack Technical Committee
James P. Purcell, Norton Town Manager
Robert W. Kimball, Jr., Chairman, Norton Board of Selectmen

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August 4, 2004

Robert W. Varney, Regional Administrator
Environmental Protection Agency
One Congress Street
Boston, MA 02114

SHPACK
4.9

Dear Mr. Varney:

I would like to submit the following comments conveying my strong support for the town of Norton and its preferred cleanup alternative known as SC-3B for the collection and removal of both chemical and radiological contaminants at the Shpack Superfund Site. As you are aware, the Shpack landfill has the distinction of being both a Superfund Site under the cleanup authority of the Environmental Protection Agency (EPA) and a Formerly Utilized Site Remedial Action Program (FUSRAP) site under the cleanup authority of the Army Corps of Engineers (ACOE). The final decision on a cleanup alternative has caused an understandable amount of worry for the citizens of Norton. They are not only concerned about the actual cleanup of Shpack, but the long term public safety and reuse potential of a fifty year old dump site that has soil contaminated with radiological, chemical and heavy metal wastes.

The legislation authorizing the radiological cleanup of Shpack through FUSRAP was originated by Congressman McGovern and me to ensure that a responsible and permanent remediation of harmful radioactive waste would occur. This authorizing legislation was passed by Congress in 2002 and the federal government, through the ACOE, is now responsible for a significant amount of the final clean up cost outlined in the EPA's proposed plan.

The ACOE recently agreed to work under the EPA's Record of Decision and is scheduled to commence work on the collection and removal of more than 13,000 cubic yards of radiological waste as early as 2005. The town of Norton has asked that the EPA oversee the removal of collected chemical waste to a level that would provide a true passive recreational use. However, the EPA's preferred alternative for cleanup, or SC-2B, provides only a limited removal of chemical material and would cap most contaminants on site. The subsequent fencing, monitoring, and trespass restrictions resulting from such an option would require a level of perpetual oversight that is both impractical and difficult, if not impossible, to enforce over a long period of time. Town officials have raised legitimate concerns that they might ultimately be responsible for this type of management.

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BARNEY FRANK TAUNTON

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August 4, 2004
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Obviously, the EPA has given significant consideration to the cost of each cleanup option in choosing a preferred alternative. The agency's preferred option is one of the least expensive. The town's request is not only the safest solution, but a financially sensible one that is comparatively reasonable when one looks at the variety and level of contamination on site. It is also far less expensive than other costly alternatives that were considered.

For more than four years, I have hosted and/or participated in many meetings with the EPA, ACOE, state officials, and local officials at various times to facilitate the lengthy process that has brought us to where we are today, i.e., making final decisions on cleanup proposals for use in a Record of Decision. The town, which has a voice in a final removal determination through the EPA's Community Acceptance component, should be protected through the best option under Superfund. No one person or agency can say with absolute certainty that with the passage of time the integrity of capped materials would not become compromised through a variety of potential degradations, natural or man made.

Again, the government is making a significant financial commitment to the FUSRAP portion of this project under a cleanup that involves the removal of collected radiological material. Also, the ACOE plans on removing more material than those options being considered by the EPA which should further reduce the costs associated with the chemical cleanup as commingled contaminants, chemical and radiological, are not only collected, but removed by the ACOE.

The citizens of Norton have every right to expect the EPA will oversee the collection and removal of the chemical and heavy metal wastes at the Shpack site with the cost shared among those companies already identified with the responsibility of its cleanup. Therefore, I urge EPA's approval of SC-3B to provide a comprehensive cleanup and removal of both chemical and radiological contaminants and afford the greatest level of protection possible to the people and their surrounding environment.

Sincerely,

BARNEY FRANK
Member of Congress